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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) .No.18480 of 2022

1.Jayaraj @ Jeyaraj

2.Sermapandi @ Chermampandi

...Petitioners/Accused
Nos.3 and 4

Vs

State rep.by

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District,
(in Crime No.232 of 2022).

... Respondent/Complainant

For Petitioners : Mr.P.Rajesh, Advocate.

For Respondent : Mr.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.232 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC in Cr.No.232 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were in possession of two units of Saral sand in a Mini lorry without proper permit. Hence the complaint.

3.On the side of the petitioners it is stated that the petitioners have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. The petitioner filed an anticipatory bail petition in Crl.O.P.(MD)



No.16268 of 2022 and the petition was dismissed on 08.09.2022. Again the petitioner filed another petition in Crl.O.P.(MD)No.17533 of 2022 and the same was also dismissed on 13.09.2020 as withdrawn. This is the third petition for anticipatory bail. The petitioners are ready to comply with any condition to be imposed by this Court and pray the petitioner to be released on bail.

4.On the side of the prosecution it is stated that totally there are four accused in this case. The petitioners are having one previous case similar in nature. Investigation is almost over and pray the petition to be dismissed.

5.In view of the submissions made by both sides and considering the nature of the offences and considering the fact that though the earlier petition was dismissed on 08.09.2022, the respondent has not taken any steps to arrest the petitioners. This Court is inclined to release the petitioner on bail on the following conditions:

6.Accordingly, these petitions are allowed and on condition that the petitioners shall pay a sum of **Rs.10,000/-** (Rupees Ten Thousand only) **each**, to the credit of Crime No.232 of 2022 before the learned Judicial Magistrate, Nanguneri, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions



have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
18/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE REGISTRAR(JUDICIAL) ,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CCs to M/S.RAJESH P Advocate SR.No.11580

ORDER
IN
CRL OP(MD) No.18480 of 2022
Date :18/10/2022