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CRL OP(MD). N



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

Date : 14/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20098 of 2022

Gnanadurai

... Petitioner/Accused No.3

Vs

The State represented by
The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
(Crime No.231/2022).

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.231/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused,who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Cr.No.231 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police was in routine check up, the petitioner and other accused have illegally found in possession of 1 unit of Oodai Sand. Hence, the complaint.

3. The learned counsel for the petitioner would submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit at totally four accused involved in this case and the petitioner herein is arrayed as A3 and he would further submit that co-accused have already granted bail by this Court in Crl.O.P(MD).No.17256 of 202, dated 27.09.2022. He further contended that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(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 petitioner 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



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1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.12948

ORDER

IN

CRL OP(MD) No.20098 of 2022

Date :14/11/2022

SS/VR/SAR /24.11.2022/ 3P/ 6C