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

Date : 25/11/2022

PRESENT

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

CRL OP (MD) . No.20874 of 2022

1. Kalaiselvan
2. Thirumal @ Thirumalvalavan ... Petitioners/Accused
Nos.3 & 4

Vs

State rep.by
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(In Crime No.129/2022). ... Respondent/Complainant

For Petitioners : M/s.B.Sekar, 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 Crime No.129/2022 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 Section 379 of IPC, in Crime No.129 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported 13 units of Crusher Stones without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as



alleged by the prosecution. However, the petitioners shall abide by any condition imposed by this Court. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners and other accused have illegally transported 13 units of Crusher Stones without any valid permit. The petitioners are not having any previous case. He would further submit that investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and considering the nature of the offence and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) **to the credit of the Chief Justice Relief Fund, payable in Accounts Section of the High Court Registry, Madurai Bench of Madras High Court, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Karaikudi.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 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:

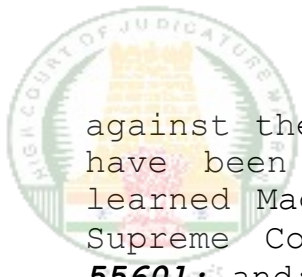
a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

(d) the petitioners 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 petitioners 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]**; and;

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

Sd/-
25/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

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

COPY TO:

THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(CHIEF JUSTICE RELIEF FUND)

ORDER
IN
CRL OP(MD) No.20874 of 2022
Date : 25/11/2022