



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT



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The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23253 of 2022

1.Mari

2.Maharajan

... Petitioners/Accused Nos.2&3

Vs

The State Rep.by
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
(Crime No.110 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Prabhu.K,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.110 of 2022 on the file of the respondent Police.

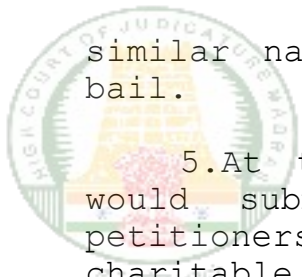
ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC, in Crime No.110 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 06.12.2022, the petitioners along with other accused said to have illegally transported 4 units of red sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners along with other accused said to have illegally transported 4 units of red sand. Each petitioner is having 4 previous cases. Out of which, 2 cases are



similar nature. Hence, he strongly opposed to grant anticipatory bail.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to their defence, the petitioners are prepared to deposit some considerable amount to any charitable Organization or Association.

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6. Considering the facts and circumstances of the case and also considering the willingness of the petitioners to deposit some considerable amount to any charitable Organization or Association, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC.CODE:IDIB000H040 Branch High Court, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Nanguneri.

8. On production of such receipt, the petitioners is ordered to be released on bail in the event of arrest or on 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, 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 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**

55601]; and;

<https://www.mhc.tn.gov.in/judis>



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



sd/-
28/12/2022

/ TRUE COPY /

/01/2023

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

TO

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

COPY TO:
THE OFFICER INCHARGE,
ADVOCATES ASSOCIATION (MBHAA)
MADURAI BENCH HIGH COURT, MADURAI.

+1 CC to Mr.K.PRABHU, Advocate (SR-15670[I] dated 30/12/2022)

ORDER
IN
CRL OP(MD) No.23253 of 2022
Date :28/12/2022

DSS/IAS
MK/SKN/SAR 2/29.12.2022/3P/7C