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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10470 of 2023

Vallinayagam ... Petitioner/Accused No.6

Vs

The State Rep.by
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
Crime No.152 of 2022..

... Respondent/Complainant

For Petitioner : Mr.N.SHYLLAPPA KALYAN
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.152 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 353, 379, 307, 506(ii) of IPC in Crime No.152 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused said to have committed theft of one unit of river sand and when the respondent police tried to stop the vehicle they tried to ran over them. Hence, a case has been registered.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. Considering the facts and circumstances of the case and also



considering the fact that there is no previous case pending at the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Sivagiri 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 failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 make a non refundable deposit for a sum of Rs.25,000/- (**Rupees Twenty Five thousand only**) **to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. Further the petitioner shall also file an undertaking affidavit before the respondent police that he will not indulge in similar type of activities again and if the petitioner violates the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m., until further orders

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

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

(f) 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;



(g)if the accused/petitioner thereafter absconds, a f [R
can be registered under Section 229-A IPC.

sd/-

14/06/2023

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

AAV

TO

- 1.The Judicial Magistrate, Sivagiri.
2. -do-Through The Chief Judicial Magistrate,
Thirunelveli.
3. The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The officer incharge,
Chief Minister Public relief fund,
Indian Overseas Bank,
Secretariat Branch, Chennai-9.

+1 CC to M/s.N.SHYLLAPPA KALYAN, Advocate (SR-8733[I] dated
14/06/2023)

ORDER

IN

CRL OP(MD) No.10470 of 2023

Date :14/06/2023

RD/AR (20/06/2023) 3P 7C