



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.11699 of 2023

Vaigundaraj

... Petitioner

Vs

State rep.by
The Sub Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(In Crime No.142 of 2023)

... Respondent

For Petitioner : Mr.S.Krishna Kumar

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

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

PRAYER :-

For Anticipatory Bail in Crime No.142 of 2023 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 altered into Section 397 IPC, in Crime No.142 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.06.2023, at about 06.30 am., when the police party conducted vehicle inspection, near TB Junction at Radhapuram, they stopped one vehicle bearing Reg.No.TN74AR5963 and it was found two units of M-sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) appeared for the respondent police would submit that the petitioner is not having any previous cases.

5.Considering the nature of charges levelled against the petitioner and also the facts that the co-accused was already released on 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Radhapuram, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall deposit a sum of Rs.5,000/- to the credit of concerned District Mineral Foundation Trust and shall produce receipt/acknowledgement while executing sureties.

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

[d]the petitioner shall not tamper with the 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]**.



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

sd/-

28/06/2023

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/07/2023

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

gns

TO

1.THE JUDICIAL MAGISTRATE,
RADHAPURAM

2.DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3.THE SUB INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC TO M/S.S.KRISHNA KUMAR ADVOCATE SR.NO.9798.

ORDER

IN

CRL OP(MD) No.11699 of 2023

Date :28/06/2023

SI(10.07.2023)3P/ 6C