



CRL OP(MD). No.17422 of 2023

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

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17422 of 2023

Sri Krishnan

... Petitioner/2nd Accused

Vs

State Represented by,
The Sub-Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.488 of 2023).

... Respondent/Complainant

For Petitioner : Mr.G.Cenil,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.488 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/2nd Accused who apprehends arrest at the hands of the



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respondent police for the offences punishable under Sections 379 IPC in Crime

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No.488 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.09.2023, when the respondent Police was on routine vehicle check up, the petitioner was found in illegal transportation of one unit of M-Sand using tipper lorry bearing registration no.TN 74 AY 4285 without any valid permission and the same was seized by the respondent Police. Hence the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and is the driver of the above said vehicle. He has not committed any such offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) would submit that no previous case is pending against the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the submissions on either side and also considering that no



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previous is pending against the petitioner, nature of offences and also the quantity of materials involved, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 on which the order copy made ready, before the learned Judicial Magistrate, Vallioor, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police on every Saturday at 10.00 am., for the period of four weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
29/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIOOR, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.G.CENIL, Advocate (SR-14390[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17422 of 2023
Date :29/09/2023

SS/DD/05/10/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023