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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 05.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.17772 of 2023

V.Shanmugapandi

... Petitioner/ 3<sup>rd</sup> Accused

Vs

State rep. by  
The Sub Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.  
(Crime No.231/2023)

... Respondent/ Complainant

For Petitioner : Mr.L.Shaji Chellan, Advocate

For Respondent : Mr.R.Suresh Kumar  
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.231 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police



for the offences punishable under Sections 379 and 353 IPC and Section 21(4) of TNMMDR Act in Crime No.231 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons have indulged in illegal transportation of one unit of gravel sand. Hence, the case.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent police.

4.Considering the facts and circumstances of the case, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rajapalayam 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 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:

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[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 appear before the Trial Court on issuance of summons.

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

[d] the petitioner 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 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].



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

sd/-  
05/10/2023

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

cmr

TO

1 The Judicial Magistrate, Rajapalayam.

2 Do through the Chief Judicial Magistrate,  
Virudhunagar District at Srivilliputhur.

3 The Sub Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.

4 The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.L.SHAJI CHELLAN, Advocate ( SR-14685[I] dated 05/10/2023 )



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ORDER  
IN  
CRL OP(MD) No.17772 of 2023  
Date :05/10/2023

SSA/DD/13.10.2023/5P/6C

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