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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18041 of 2023

Anto Kevin @ Kevin,

... Petitioner/3rd Accused

Vs

State rep. by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Cr No.541/2023.

... Respondent/Complainant

For Petitioner : M/s.Selvan.T,

Advocate.

For Respondent : Mrs.M.Aasha,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.541/2023 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 Section 379 of IPC in Crime No.541 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported ten units of sand. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that petitioner along with other accused have illegally transported ten units of sand and one previous case is pending against the petitioner, hence strongly objected to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also the fact that the previous case is pending under IPC offence, 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 on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, 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 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:

[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 summons

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



investigation or trial.

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[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/-
10/10/2023

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

AAV
TO

1 The Judicial Magistrate, Valliyoor, Tirunelveli District.

2 Do through the Chief Judicial Magistrate,
Tirunelveli District.



3 The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

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

ORDER
IN
CRL OP(MD) No.18041 of 2023
Date :10/10/2023

SSA/VRS/14.10.2023/5P/5C

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