



CRL OP(MD)No.19308 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

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Mahendra Boopathi

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.580 of 2023)

... Respondent/Complainant

For Petitioner : Mr.M.Saravanakumar, Advocate
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.580 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC in Crime No.580 of 2023 on the file of the respondent police, filed this petition under Section 438 of Cr.P.C. praying to grant an order of pre-arrest bail.

2.Revenue Inspector, Panagudi Revenue Circle is the defacto complainant. The



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case of the prosecution is that on 17.10.2023, at about 11.00 am., the defacto complainant and other officials were doing vehicle check up. At that time, they intercepted the vehicle bearing Registration No.TN 72 CV 5774 and found that the petitioner was carrying black stone exceeding permissible weight, without proper license and trip sheet. Hence, the defacto complainant filed a complaint. Based on the complaint, the respondent registered a case under Section 379 IPC in Crime No.580 of 2023.

3.The learned counsel for the petitioners submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has permanent residence at Tirunelveli District and therefore, there is no possibility for absconding. Further he submitted that petitioner is ready to obey the conditions to be imposed by the Court. Accordingly, he prayed to allow the petition.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner has two previous cases in Cr.No.181 of 2022 for the offences under Sections 294(b), 302, 506(ii) IPC and in Cr.No.91 of 2022 for the offence under Sections 307, 323, 324, 341, 506(ii) IPC and the investigation of the present case is not yet completed. At this stage of investigation, if pre-arrest bail is granted to the petitioner, he will commit the similar offence. Accordingly, the learned



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Government Advocate raised objection for granting pre-arrest bail.

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5. Heard on both sides. This Court has perused the records.

6. Petitioner has permanent residence. The previous cases pending against the petitioner have no nexus with the present nature of crime. Considering the nature of the offences allegedly committed by the petitioners, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence this Court does incline to allow the Petition and grant pre-arrest bail to the petitioner, however, subject to conditions:

(i) Pre-arrest bail is granted to the petitioner.

(ii) The petitioners shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate, Valliyoor, Tirunelveli within 15 days from today, on his executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Valliyoor, Tirunelveli.

(iii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of



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identity proof to ensure their identity.

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(v)The petitioner shall not tamper with the evidence or witness either during investigation or trial.

(vi)The petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation.

(vii)If the petitioner absconds, a fresh FIR shall be registered under Section 229A of IPC.

(viii)On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

gns

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE, PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-15597[I] dated 26/10/2023)

ORDER

IN

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Date :26/10/2023

RS/JGB/SAR-(06.11.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
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