



CRL OP(MD). No.20288 of 2023

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

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI
CRL OP(MD). No.20288 of 2023

1. Samydurai

2. Ganesan

... Petitioners/ Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
Cr.No.465/2023.

... Respondent/Complainant

For Petitioner : M/s.Boopathi Pandiyan.M, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 465/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC, in Crime No.465 of 2023, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that when the respondent police was in patrolling duty, the petitioners herein have illegally transported 1 unit of Oodai sand by using Tractor and trailer. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners herein said to have illegally transported one unit of Oodai sand and the same was recovered and the first petitioner is having two previous cases. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners 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 petitioners are directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of District Siddha Medical Officer CCRIPKM (Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.



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[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners is 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/-

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

TRP

<https://www.mhc.tn.gov.in/judis>



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TO
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1. THE JUDICIAL MAGISTRATE, SIVAGIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER CCRIPKM
PERIYAKULAM.

+1 CC to M/s.M.BOOPHATHI PANDIAN, Advocate (SR-16245[I] dated
10/11/2023)

ORDER
IN

CRL OP(MD) No.20288 of 2023
Date :10/11/2023

RK /DD(20/11/2023) 5P / 7C

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