



CRL OP(MD). No.20875 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Mariappan

... Petitioner / Accused No.3

Vs

State through
The Inspector of Police,
Kayathar Police Station,
Tuticorin District.
(Crime No.367/2023).

... Respondent / Complainant

For Petitioner : M/s.Raamakrishnan KA, Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.367/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.367 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.10.2023 at about 4.00 am., the petitioner has illegally transported three units of gravel sand in a lorry bearing Reg.No.TN 72 CA 3745 without any valid permit, 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. Hence he seeks anticipatory to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the petitioner has illegally transported three units of gravel sand in a lorry bearing Reg.No.TN 72 CA 3745 without any valid permit. He would further submit that the petitioner is having one similar previous case, hence he objected to grant anticipatory bail to the petitioner.

5. The petitioner is the owner of the lorry and now the tipper lorry was seized by the respondent

6.Accordingly, the petitioner is ordered to be released on bail in the event of



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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 No.II, Kovilpatti 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.

[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].



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

sd/-
21/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Judicial Magistrate No.II,
Kovilpatti.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Kayathar Police Station,
Tuticorin District.

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

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-16667[I] dated 22/11/2023)



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ORDER

IN

CRL OP(MD) No.20875 of 2023

Date :21/11/2023

ED/SKN/SAR- (28/11/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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