



CRL OP(MD) No.2141 of 2024

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

Monday, the Twelfth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2141 of 2024

1 BALAMANIKANDAN @ KOTTUR MANI
2 SANGILIPANDI

... PETITIONERS/ ACCUSED 1 & 2

Vs

State Rep.by
THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
VIRUDHUNAGAR.
CRIME NO.17 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 17 OF 2024 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1) (a) (ii) in Crime No.17 of 2024, seek anticipatory bail.



CRL OP(MD) No.2141 of 2024

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2. The case of the prosecution is that the petitioners have illegally transported 178 bags of PDS Rice (each contains 40 kgs). Thereby, a case has been registered against them.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to pay a sum of Rs.75,000/- to the Government Girls Higher Secondary School, Sulakarai Main Road, Viruthunagar, for constructing a toilet and for other facilities.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that no previous case are pending against the first petitioner and the second petitioner is having only one previous case.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 No.I, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with



CRL OP(MD) No.2141 of 2024

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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 and on further condition that:

(a).if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b).as per the undertaking given by the petitioners, the petitioners jointly shall make a demand draft for a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) in favour of the Headmaster, Government Girls Higher Secondary School, Sulakkarai Main Road, Viruthunagar and appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School and thereafter, sureties shall be accepted.

(c).the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d).the petitioner is directed to appear before the respondent police as and when required for interrogation;

(e).the petitioners shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD) No.2141 of 2024

WEB COPY

(f).the petitioners shall not abscond either during investigation or trial;

(g).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 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]; and;

(h).if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/02/2024

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/02/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, CIVIL SUPPLIES C.I.D, VIRUDHUNAGAR.

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



CRL OP(MD) No.2141 of 2024

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THE HEADMASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
SULAKKARAI MAIN ROAD, VIRUDHUNAGAR.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1750[I] dated 13/02/2024)

ORDER
IN
CRL OP(MD) No.2141 of 2024
Date :12/02/2024

RS/VR/SAR-(15.02.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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