



CRL OP(MD) No.4757 of 2024

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

Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4757 of 2024

SHANMUGAVEL @ VATHU MURUGAN ... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION
TIRUNELVELI DISTRICT.
CRIME NO.114/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M.S.JEYAKARTHIK Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.114/2024 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 alleged offence punishable under 379 of I.P.C. in Crime
No.114 of 2024 on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner has illegally transported ½ unit of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.30,000/- to the Madurai West Panchayat Union Primary School, Parasuramapatti for making toilet facility and also to other amenities.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that totally seventeen previous cases are pending against the petitioner, out of which, five cases are similar in nature.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a



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period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Nanguneri**, 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 and on further condition that:

(a).as per the undertaking given by the petitioner, the petitioner shall make a demand draft for a sum of Rs.30,000/- (Rupees Thirty Thousand only) in favour of the Headmaster / Headmistress, Madurai West Panchayat Union Primary School, Parasuramanpatti, for making toilet facility and also to other amenities and appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster / Headmistress of the said School and thereafter, sureties shall be accepted.

(b).if the petitioner 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;

(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;



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(d).the petitioner shall report before the respondent police as and when required for interrogation;

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

(f)the petitioner 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/-

26/03/2024

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/04/2024

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

TSG



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TO

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

COPY TO:

THE HEADMASTER / HEADMISTRESS,
MADURAI WEST PANCHAYAT UNION PRIMARY SCHOOL,
PARASURAMANPATTI

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3826[I] dated 27/03/2024)

ORDER
IN

CRL OP(MD) No.4757 of 2024

Date :26/03/2024

SS/VR/SAR- /04/04/2024/5P/7C

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