



CRL OP(MD)No.7673 of 2024

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

Date : 24.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7673 of 2024

Nagarajan

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Kalakad Police Station,
Kalakad, Tirunelveli District.
(Crime No.265 of 2023)

... Respondent/Complainant

For Petitioner : Mr.N.Vignesh, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.265 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.265 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the accused persons illegally transported two units of pond sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation in this case is not yet completed.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, 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 learned Magistrate concerned and on further conditions that:



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[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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Headmaster, Panchayat Union Middle School, LKB Nagar, Sakkimangalam, Madurai in South Indian Bank Limited, Sakkimangalam Branch, Account No.0733053000000794 IFSC No.SIBL0000733, MICR Code: 625059008, without prejudice to his contentions and rights before the trial Court, for purchasing 30 sets of Bench Desk for the Tribal students under "Namakku Naame" Scheme and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

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

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



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[e]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
24/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

COPY TO:
THE HEADMASTER,
PANCHAYAT UNION MIDDLE SCHOOL,
LKB NAGAR, SAKKIMANGALAM, MADURAI

+1 CC to M/s.N.VIGNESH, Advocate (SR-5774[I] dated 24/05/2024)

ORDER
IN

CRL OP(MD) No.7673 of 2024

Date :24/05/2024

SS/GS/SAR- /29/05/2024/5P/7C

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