



CRL OP(MD). No.10278 of 2024

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

Date : 11/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10278 of 2024

Mari

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.165/2024.)

... Respondent/Complainant

For Petitioner : M/s.Venkatachalam.D, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 165/2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of the Bharatiya Sankita



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(BNS) and under Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.165 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 12 untis of Saralai soil by using Lorry bearing Regn.No.TN 66 Y 9801 and the same has been recovered. Hence, the complaint.

3. The learned counsel for the petitioner would submit that would further submit that he is innocent and his name has been falsely implicated in this case. He would further submit that based on the confession of co-accused only the petitioner herein was arrayed as accused and seeks grant of anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner and other accused have illegally transported 12 untis of Saralai soil worth about Rs.6,000/-. He would further submit that the petitioner herein is having six previous cases in similar nature and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, 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 his appearance, within a period of fifteen days from the date of receipt of a copy



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of this order, before the learned Judicial Magistrate No.I, Srivaikundam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(b) the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, (Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai) without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c) the petitioner shall report before the concerned Court daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

(e) the petitioner shall not abscond either during investigation or trial;



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(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 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;

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

sd/-
11/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate No.I,
Srivaikundam.

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

3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.



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

Copy to:

The Headmaster,
Panchayat Union Primary School,
Othakadai, Madurai East.

+1 CC to M/s.D.VENKATACHALAM, Advocate (SR-7827[I] dated 12/07/2024)

ORDER
IN
CRL OP(MD) No.10278 of 2024
Date :11/07/2024

ED/ VR /SAR- (23/07/2024) 5P / 7C

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