



CRL OP(MD). No.10933 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.10933 of 2024

Maharajan,

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
Murappanadu Police Station,
Murappanadu,
Thoothukudi District.
Crime No.169 of 2024..

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime no.169 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC (Sand theft) in Cr.No.169 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has illegally transported 4 units of saral sand worth about Rs.4,000/- and the same has been recovered. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner herein is having two previous cases and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 of this order, before the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, 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:

(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 report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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



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(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-

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/08/2024

Sub-Assistant Registrar (CS-I/ II / III/ IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3.THE SUB INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
MURAPPANADU, THOOTHUKUDI DISTRICT.



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8340[I] dated 23/07/2024)

ORDER
IN
CRL OP(MD) No.10933 of 2024
Date :22/07/2024

RK/JGB (31/07/2024) 5P / 6C

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