



CRL OP(MD). No.11154 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11154 of 2024

1. Magesh,

2. Rameshkumar,

... Petitioners/ Accused No.2 & 3

Vs

The Sub-Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
Crime No. 196/2024..

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 196 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 petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Crime No.196 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioner herein and other accused have illegally transported 4 units of M-sand worth about Rs.91,000/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the property has been recovered and the peitioners herein are not having any previous case and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the



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fact that the property has been recovered and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.4,000/- (Rupees Four Thousand only) each to the credit of Annai Indira Pengal Munnetra Sangam (ANPMS), Abiram Nagar, Sikkanthar Savadi, Madurai, Mob.No.8270863703; 9843883910; 7639281110, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate concerned;

7. On production of such receipt, the petitioners 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 Boothapandi, Kanniyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb



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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 petitioners shall report before the respondent Police daily 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

(d)the petitioners 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 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;

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

sd/-

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/08/2024

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

TRP



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TO
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- 1 THE JUDICIAL MAGISTRATE
BOOTHAPANDI, KANNIYAKUMARI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB-INSPECTOR OF POLICE
ARALVOIMOZHI POLICE STATION,
ARALVOIMOZHI,
KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ANNAI INDIRA PENGAL MUNNETRA SANGAM(ANPMS),
ABIRAM NAGAR, SIKKANTHAR SAVADI, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8379[I] dated 23/07/2024)

ORDER
IN
CRL OP(MD) No.11154 of 2024
Date :23/07/2024

SS/GS/SAR- /07/08/2024/5P/7C

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