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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

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

CRL OP(MD). No.11578 of 2024

Nanthakumar,

... Petitioner/ Accused Rank 2

Vs

The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(In Crime No.112 of 2024).

... Respondent/Complainant

For Petitioner : Mr.B.Arun
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime no.112 of 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 275 and 123 BNS, 2023 r/w.



No.112 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner and other accused were illegally transported 106 pockets of Vimal Pan Masala, 174 pockets of Ganesh, 87 pockets of Cool Lip, 102 pockets of V-Tobacco, worth about Rs.56,000/- by using TATA Ace four wheeler. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is not having any previous case and the investigation is pending. 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 there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Petition is allowed and 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, Kamuthi, Ramanathapuram 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 four weeks and thereafter as and when required for interrogation;

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

(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/-
25/07/2024

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/08/2024
Sub-Assistant Registrar (C.S.I, II, III, IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



LS
TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-8576[I] dated 25/07/2024)

ORDER IN
CRL OP(MD) No.11578 of 2024
Date :25/07/2024

SA/JGB/SAR. (05.08.2024) 4P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023