



CRL OP(MD). No.11851 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2024

PRESENT

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

CRL OP(MD). No.11851 of 2024

Mathavan,

... Petitioner/ Accused No.1

Vs

**The Inspector of Police,
Puthiyamputhur Police Station,
Puthiyamputhur,
Thoothukudi District.
Crime No. 79/2024.**

... Respondent/Complainant

For Petitioner : M/s. Pragalathan.N, Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.79 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 offence punishable under Section 379 IPC in Crime No.79 of 2024, seeks

anticipatory bail.

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2. The case of the prosecution is that on 11.06.2024 the defacto complainant's company imported 32 tonnes of Potash manure from the harbor to Godwon by using a Tipper Lorry, but, the petitioner and other accused have stored the same in another godown. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a only an owner of the lorry and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the value of pottash manure is worth about Rs.6,00,000/- and the same has been recovered and co-accused in this case was already obtained anticipatory bail. He would further submit that investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the property has been recovered and co-accused was already obtained anticipatory bail, 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 of

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this order, before the learned District Munsif Cum Judicial Magistrate, Ottapidaram, 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 is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Madurai Bench of Madras High Court Advocate Association (MBHAA) attached to the Madurai Bench of Madras High Court without prejudice to his 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 appear before the respondent police 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/-
29/07/2024

/ TRUE COPY /

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

LS

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
OTTAPIDARAM, THOOTHUKUDI DISTRICT.

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

3. THE INSPECTOR OF POLICE
PUTHIYAMPUTHUR POLICE STATION,
PUTHIYAMPUTHUR, THOOTHUKUDI DISTRICT.

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

COPY TO

1. The Officer Incharge,
Madurai Bench of Madras High Court Advocate Association (MBHAA),
attached to the Madurai Bench of Madras High Court.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8837[I] dated 29/07/2024)

ORDER

IN

CRL OP(MD) No.11851 of 2024

Date :29/07/2024

PSP/GS/SAR /08.08.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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