



CRL OP(MD). No.11913 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.11913 of 2024

Selvakumar @ Tipping Kumar @ kanthiah

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivakiri Police Station,
Thenkasi District.
(Crime No 251 of 2024).

... Respondent/Complainant

For Petitioner : Mr.T.Indrachithu, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :- For Anticipatory Bail in Crime No 251 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 Section 303(2) BNS, 2023, in Crime No.251 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner has illegally transported 1 unit of river sand, worth about Rs.8,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has transported 1 unit of river sand illegally and he is having four previous cases for similar offence. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai-625023, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Sivakiri, Thenkasi District.

7.On production of such receipt, the petitioner is ordered to be released on bail



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in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivakiri, Thenkasi 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 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;



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

sd/-
29/07/2024

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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,
Sivakiri, Tenkasi District.

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

3.The Inspector of Police,
Sivakiri Police Station,
Tenkasi District.

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

Copy to:

The Officer Incharge,
Madurai Bench of Madras High Court Advocate Clerks Welfare Association,
Madurai.

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-8853[I] dated 29/07/2024)



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ORDER
IN
CRL OP(MD) No.11913 of 2024
Date :29/07/2024

ED/ VR /SAR- (02/08/2024) 5P / 7 C

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