



CRL OP(MD). No.12245 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12245 of 2024

Malaiah @ Mallaiah

... Petitioner/ Accused

Vs

The Inspector of Police,
Moondradaipu Police Station,
Tenkasi District.
(Crime No.114/2018).

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
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.114 of 2018 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 offence punishable under Section 392 of IPC, in Cr.No.114 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused are said to have waylaid the lorry, which has been containing 14,53,555 Kg of raw cashew worth about Rs.19,17,251/- and robbed the same. 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. He would further submit that the co-accused (A1 to A4) were already arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there are totally 7 accused. The petitioner is arrayed as A5. The investigation is in preliminary stage and property is not yet recovered. Further, the petitioner is having 2 previous cases. But, however, he fairly conceded that the co-accused were already arrested and subsequently, released on bail.



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5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on 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 this order, before the learned Judicial Magistrate Court, Nanguneri, 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 a.m, for a period of four weeks and thereafter, as and when required for interrogation;



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(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/-
31/07/2024

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

dss

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TO
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1. The Judicial Magistrate Court, Nanguneri,
 2. Do-Through The Chief Judicial Magistrate,
Tirunelveli.
 3. The Inspector of Police,
Moondradaipu Police Station,
Tenkasi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.DINESH, Advocate (SR-9048[I] dated 31/07/2024)

ORDER
IN
CRL OP(MD) No.12245 of 2024
Date :31/07/2024

RK/VR (09/08/2024) 5P / 6C

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