



CRL OP(MD). No.12483 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

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

CRL OP(MD). No.12483 of 2024

Balamurugan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Sipcot Police Station,
Sivagangai District.
Crime No.133 of 2017..

... Respondent/Complainant

For Petitioner : M/s.Senthilkumar.R,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on Anticipatory bail in the event of his arrest in S.C.No.42 of 2023, on the file of the Principal District Judge, Sivagangai in connection with Crime No.133 of 2017 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/ A4, who is facing a case for the offence under Sections 379 of IPC, Section 3 of TN Public Property Act and 21(1) of Mines & Minerals Act, in S.C.No.42 of 2023, on the file of the Principal District Judge, Sivagangai, in Crime No.133 of 2017 on the file of the respondent police, seeks bail.

2.The petitioner was absent during the trial in S.C.No.42 of 2023, on the file of the Principal District Judge, Sivagangai. Therefore, Non-Bailable Warrant came to be issued on 08.09.2023. Hence, the petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner has gone to State of Gujarat due to his employment. Hence, he could not appear before the Principal District Judge, Sivagangai. Therefore, Non-Bailable Warrant was issued against him on 08.09.2023. Hence, he prays for bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the case is pending for trial. Hence, he strongly opposed to grant bail to the petitioner.



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5.Considering the period of incarceration and also considering the fact that the case is pending for trial, this Court is inclined to grant bail to the petitioner subject to the following 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 Principal District Judge, Sivagangai, 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 trial Court for each and every hearing without fail;

(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;



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(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/-
02/08/2024

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

DSS

TO

1. The Principal District Judge, Sivagangai,
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Sipcot Police Station, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

<https://www.mhc.tn.gov.in/judis>



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ORDER
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Date :02/08/2024

RK/JGB (29/08/2024) 5P / 6C

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