



CRL OP(MD). No.17369 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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B.Sakthivel

... Petitioner/ Accused No.2

Vs

**The State,
Rep by the Inspector of Police,
Vadamadurai Police Station,
Dindigul Crime No.448 of 2024.**

... Respondent / Complainant

For Petitioner : Mr.C.Prithviraj, Advocate

For Respondent : Mr.P.Kottaichamy

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

**For Anticipatory Bail in Crime No. 448 of 2024 on the file of the Respondent
Police.**

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 316 (ii) BNS, in Crime No. 448 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioner induced the defacto complainant to load the garlic worth of Rs.7,00,000/- and to sell the same at Ayyalur Market and also accompanied with him upto the market and said that they could not sell it during night hours, directed the vehicle to be parked outside the market. Subsequently, without the knowledge of the defacto complainant, the petitioner and other accused have taken away the loaded garlic and thereby, cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that A-1 has induced the defacto complainant and only on instructions of A-1, the defacto complainant has transported the loaded garlic to the market. He further submitted that the complaint was lodged belatedly. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that initially CSR was registered and during the enquiry, the accused admitted the entire fact before the respondent police. Thereby, FIR has been registered and the investigation is in the initial stage.

5.Considering the nature of allegations in this case and also considering the fact



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that there is no specific overt act 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, Vendasandur, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 two weeks;

(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



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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/-
09/10/2024

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/ 10 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

TO

1 JUDICIAL MAGISTRATE
VEDASANDUR.

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

3 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION, DINDIGUL.

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

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ORDER
IN
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Date :09/10/2024

PSP/ VR /SAR /23.10.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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