



CRL OP(MD). No.19347 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Manoj

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
Crime No. 347/2024.

... Respondent/Complainant

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

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.347 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 335, 340(2) and 303(2) of BNS (hereinafter referred to as new penal code) in Crime No.347 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 was driving a tipper lorry on 19.10.2024 and on inspection it was found that the lorry was loaded with crushed stones (Jally). On enquiry, A1 had produced a transit pass. On verification, it was found that this transit pass was a fabricated document. There are totally two accused persons in this case and the petitioner has been arrayed as A2.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the owner of the lorry and he was the one, who had fabricated the transit pass. The copy of the fabricated document was also produced before this Court. The learned Government Advocate (Crl.Side) further submitted that there is no previous case pending against the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned



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Government Advocate (Crl.Side) appearing for the respondent police.

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5. Taking into consideration the facts and circumstances of the case and also considering the fact that the entire incriminating materials have been seized and the lorry has also been seized and there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail 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 No.I, Kuzhithurai, Kanyakumari, 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[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.



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[c] the petitioner shall report before the respondent police daily at 05.30 p.m 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;

[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/-
15/11/2024

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/11/2024

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

LR

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

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



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3. THE INSPECTOR OF POLICE,
KALIYAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-14102[I] dated 15/11/2024)

ORDER
IN

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Date :15/11/2024

RK/VR (21/11/2024) 5P / 6C

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