



CRL OP(MD). No.19489 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19489 of 2024

Sutherraj

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Cr.No.331 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.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 Cr.No.331 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 335, 340(2) and 303(2) BNS (hereinafter referred to as new penal code) in Crime No.331 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.10.2024, the Police party was on patrolling duty at Tirunelveli - Thiruvananthapuram National Highways. At about



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06.00 a.m., two tipper lorries were stopped and while inspecting, they found blue metal. On further enquiry, they found that it was transported from Kerala to Tirunelveli by using forged passes. There are totally ten accused persons in this case and the petitioner has been arrayed as A5.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that seven accused persons were arrested in this case except A4, A5 and A10. The learned Government Advocate (Crl.Side) further submitted that there are no previous cases pending against the petitioner.

4.The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and he has nothing to do with the alleged offences.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that there are no previous cases against the petitioner and seven accused persons, who were arrested, have been enlarged on bail, 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.II, Nagercoil, Kanyakumari District, on condition that the petitioner shall execute a



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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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.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;



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[g] if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
12/11/2024

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/11/2024

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

LR

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, KOTTAR 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-14024[I] dated 14/11/2024)

ORDER IN
CRL OP(MD) No.19489 of 2024
Date :12/11/2024

RS//SAR-(25.11.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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