



CRL OP(MD). No.19615 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Sudalai @ Sudalaimuthu

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.391 of 2024).

... Respondent/ Complainant

For Petitioner : M/s.A.Balaji,

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.391 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 offences under Sections 303(2) of BNS (hereinafter referred to as new penal code), in Crime No.391 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 3 units of saral sand in a lorry. Hence, the case. There are totally three accused persons in this case and the petitioner is arrayed as A1.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the vehicle has been seized from the petitioner and the saral sand has also been seized by the respondent Police. He further submitted that one previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the vehicle has been seized by the respondent Police and the saral sand has also been seized, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this criminal original petition is ordered and the



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petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned *Judicial Magistrate No.I, Tirunelveli*, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and 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 is directed to deposit a sum of Rs.1,500/- (Rupees One Thousand Five Hundred only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] 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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[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;

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

sd/-

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/11/2024

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

PNM



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-13964[I] dated 13/11/2024)

ORDER
IN
CRL OP(MD) No.19615 of 2024
Date :13/11/2024

SS/GSV/SAR- /21/11/2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023