



CRL OP(MD). No.17574 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1.Vivek,

2.Jahubar Ali,

... Petitioners/ Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.315/2023).

... Respondent/Complainant

For Petitioner : Mr.R.Murugan,Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 315 /2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who apprehend arrest at the hands of the respondent



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police for the offences punishable under sections 379 IPC and Sections 21(1) of Mines and Minerals (Development and Regulations) Act, in Crime No.315 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.09.2023, the petitioners are involved in illegal transportation of sand by using a tractor. The first petitioner is the driver and the second petitioner is the owner. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the second petitioner/A2 is having previous case similar in nature and no previous case is pending against the first petitioner/A1. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the first petitioner/A1, this Court is inclined to grant anticipatory bail to the first petitioner/A1 alone with certain conditions:

6. Accordingly, the first petitioner/A1 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



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which the order copy made ready, before the learned Judicial Magistrate No.1, Ramanathapuram on condition that the first petitioner/A1 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] the first petitioner/A1 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 first petitioner/A1 shall appear before the trial Court on summons.

[c] the first petitioner/A1 shall not tamper with evidence or witness either during investigation or trial.

[d] the first petitioner/A1 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner/A1 in accordance with law as if the conditions have been imposed and the first petitioner/A1 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



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. Insofar as the second petitioner/ A2 is concerned, this petition is dismissed.

sd/-
03/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

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



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+1 CC to M/s.R.MURUGAN, Advocate (SR-14536[I] dated 03/10/2023)

ORDER
IN
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Date :03/10/2023

PKP/DD/SAR- /11.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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