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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.14141 of 2021

1. Karthick Murugan
2. Sathishkumar
3. Suresh
4. Subburaj
5. Mohanraj

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
(Crime No. 161/2021).

... Respondent/Complainant

For Petitioners : M/s. Saravanakumar.P, Advocate

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 161 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w Sections 4(1), (1-A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.161 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused have illegally transported Eighteen units of rough stones by using Three Taurus Vehicles.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4. Learned Government Advocate (Crl. side) appearing for the respondent police submitted that the petitioners have illegally transported Eighteen units of rough stones and hence, the case was registered. He further submitted that the petitioners have no previous case pending against them.

5. Considering the nature of mineral involved and the antecedent of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with stringent condition.

6. Accordingly, this Criminal Original Petition is allowed. The petitioners are ordered to be released on bail in the event of arrest or on their 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, Sattur, on condition that the petitioners shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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

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Sd/-
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/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SATTUR.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14141 of 2021
Date :23/09/2021