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CRL OP(MD).

22



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6897 of 2022

1. Srijadhas @ Sreeja Das
2. K.Biju

... Petitioners/Accused
No.1 & 2

Vs

State represented by its
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.67 of 2022)

...Respondent/Complainant

For Petitioners: Mr.M.Jegadeesh Pandian, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.67 of 2022 on the file of the Respondent police.

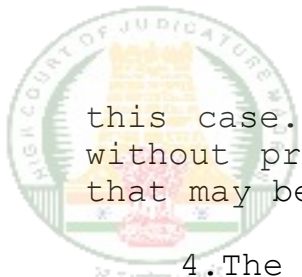
ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.67 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 30.03.2022, the petitioners have illegally transported 27 tons (6½ unit) of black stones by using tipper lorry. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in

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



this case. However, he would further submit that the pet. 3, without prejudice to their right, is ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have illegally transported 6½ unit of black stones worth about Rs.8560.50/-.

5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of the District Mineral Foundation Trust, Tirunelveli District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the **(*)learned Judicial Magistrate, Ambhasamuthram.**

7.On production of such receipt/acknowledgment, 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, Ambhasamuthram** on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge 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 Sessions Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[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 Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the



Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [SCW 5560]. [R

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

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Sd/-
26/04/2022

(*)Amended as per order of this court dated 21.06.2022 in Crl.MP(MD)No. 6247/2022 in CRL OP(MD)No.6897/2022 BY GIJ.

To Produce Sureties is extended further for a period of fifteen days from the date of receipt of copy of this order.

/ TRUE COPY /

/07/2022

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

CSM

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

TO BE SUBSTITUTED WITH THE ORDER DATED 26/04/2022 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
AMBHASAMUTHRAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, (SPECIAL COURT FOR MINES AND
MINERALS (DEVELOPMENT AND REGULATION) ACT
CASES, TENKASI.
- 4 THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.



5 THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.JEGADEESH PANDIAN M Advocate SR.No.5923(I)

ORDER

IN

CRL OP(MD) No.6897 of 2022

Date :26/04/2022

SP/PN/SAR II/27/04/2022/3P/6C

mm

PKP/JM/SAR-1/06.07.2022/4P/8C