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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.7897 of 2022

1. M.Suresh

2. Kathirkamanathan ... Petitioners/ Accused Nos.1 & 2

Vs

State represented by
The Inspector of Police,
Kottampatti Town Police Station,
Madurai District.
(Crime No.105 of 2022) ...Respondent/ Complainant

For Petitioners: Mr.A.Balaji, 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.105 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(5) of Mines and Minerals (Development and Regulation) Act, in Crime No.105 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported 2 units of M-sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their right, is ready to deposit the amount that may be imposed by this Court.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have transported 2 units of M-sand illegally. He would further submit that the petitioners are not having any previous cases.

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.5,000/- (Rupees Five Thousand only)** each to the credit of the District Mineral Foundation Trust, Madurai District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special Court for MMDR Act, Madurai.

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 Special Court for MMDR Act, Madurai, 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 [(2005)AIR SCW 5560].**

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

sd/-
28/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
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

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR MMDR ACT,
MADURAI.

2 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

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

Copy to

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.7897 of 2022
Date :28/04/2022

csm
PKP/SVR/SAR-2/05.05.2022/3P/5C

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