



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9907 of 2022

1. Karupphu @ Kanja Karupphu

2. Venkatesh @ Venkateswaran

... Petitioners/Accused

No.2 & 3

Vs

State rep.by

The Inspector of Police,

M.Kallupatti Police Station,

Madurai District.

(Crime.No.45 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Balaji S, Advocate.

For Respondent : Mr.P.Kottai Chamy,

Government Advocate (Crl.Side)

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

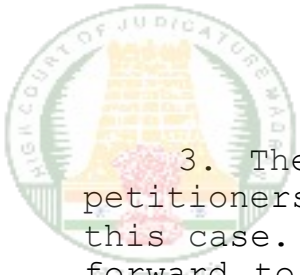
PRAYER :-

For Anticipatory Bail in Crime No. 45 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 2 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C and Section 21(5) of MMDR Act, 1957, in Crime No.45 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the other accused have illegally transported 1/2 unit of River Sand by using vehicle bearing Reg.No.TN-58-AX-4397 and a motor cycle bearing Reg.No.TN-67-E-2904. Therefore, the present case came to be registered.



3. The learned counsel for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their *bona fide*, the petitioner has come forward to pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Cr.No.45 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has illegally transported 1/2 unit of River Sand by using vehicle. He further submitted that the first petitioner is not having no previous case and the second petitioner is having 3 previous cases.

5. Considering the facts and circumstances of the case and also considering the fact that the second petitioner is having bad antecedent, this petition is dismissed insofar as the second petitioner is concerned. Insofar as the first petitioner is concerned, no bad antecedents reported against him and his willingness to pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the first petitioner.

6. Accordingly, this Criminal Original Petition is partly allowed on condition that the first petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the credit of Cr.No.45 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Usilampatti, Madurai District, on condition that the first 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 learned Magistrate concerned and the first petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The first petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The first petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

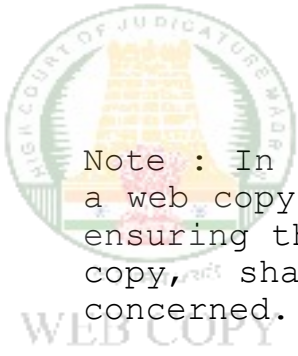
Sd/-

23/06/2022

/ TRUE COPY /

/ /2022

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



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.II,
USILAMPATTI, MADURAI DISTRICT..
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.9907 of 2022

Date :23/06/2022

SP/SVR/SAR I/30/06/2022/3P/5C