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CRL OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.16046 of 2022

1.Dharmalingam
2.Ponnusamy

...Petitioners/Accused Nos.1 and 2

Vs

State represented by
The Sub Inspector of Police,
Illupur Police Station,
Pudukkottai District.
in Cr.No. 248 of 2022.

... Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

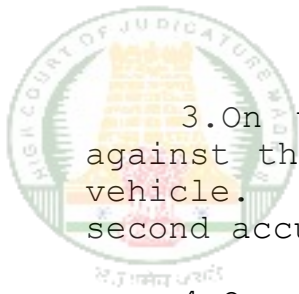
For Anticipatory Bail in Crime No.248 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1987 in Cr.No.248 of 2022, seek anticipatory bail.

2.The case of the prosecution is that they transported 1/4 unit of river sand (Kulathuvari sand). A case in crime No.248 of 2022 under Section 379 of IPC read with 21(1) of Mines and Mineral (Development and Regulation) Act, 1987, was registered against the

<https://www.mca21.in/judis>



3. On the side of the petitioner it is stated that against the first accused is not pressed. A2 is the owner of the vehicle. He is no way connected with the offences and pray the second accused to be released on bail.

4. On the side of the respondent it is clearly admitted that there is no previous case against the second accused.

5. Considering the nature of offence and considering the fact that the second petitioner is not involved in any previous cases, this Court is inclined to release the second petitioner on anticipatory bail on the following conditions:

6. Accordingly, this petition is allowed and on condition that the second petitioner shall pay a sum of Rs.4,000/- (Rupees Four Thousand only) to the credit of Crime No.248 of 2022 before the learned District Munsif cum Judicial Magistrate, Illupur, Pudukkottai District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the second petitioner is 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 District Munsif cum Judicial Magistrate, Illupur, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the second petitioner 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 second petitioner shall report before respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the second petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

8.This Petition for the first accused is dismissed as not pressed.

sd/-

06/09/2022

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/09/2022

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

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TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
3. THE SUB INSPECTOR OF POLICE,
ILLUPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16046 of 2022

Date :06/09/2022

RK/VRS/SAR-1 (13/09/2022) 3P/5C