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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16944 of 2022

1. Lingam @ Chokkalingam,

2. Arun @ Harichandran,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
Crime No.206 of 2022.

... Respondent/Complainant

For Petitioners: Mr.G.Thalaimutharasu, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.206 of 2022 on the file of the Respondent Police.

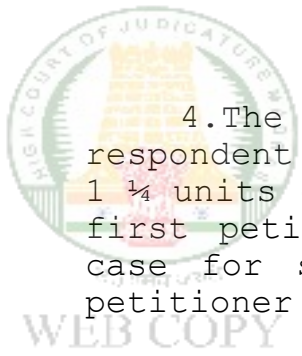
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(i) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.206 of 2022, seek anticipatory bail.

The case of the prosecution is that on 12.09.2022, the petitioners have illegally transported 1 ¼ units of river 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

<https://www.mh.judiciary.gov.in/>



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have transported 1 ¼ units of river sand illegally. He would further submit that the first petitioner is having two previous cases, out of which, one case for similar offence and one case under IPC and the second petitioner is having no previous case.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.1,000/- (Rupees Thousand only) each to the Mediation and Conciliation Centre attached to the Madurai Bench of Madras High Court, Madurai**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Srivaikundam.

7.On production of such receipt, 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.II, Srivaikundam, on condition that the petitioners 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with 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]**; and;



(f)if the accused thereafter abscond, a fresh FIR registered under Section 229-A IPC.

Sd/-
21/09/2022

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/09/2022

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

SJI

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,
SRIVAİKUNDAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CHIEF COORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.10360

ORDER
IN
CRL OP(MD) No.16944 of 2022
Date :21/09/2022

PKP/VR/SAR /03.10.2022/3P/7C