



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/09/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.16907 of 2022

1. Denial @ Rajkumar

2. Dinesh

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
Crime No.91 of 2022.

... Respondent/Complainant

For Petitioner : M/s.THALAIMUTHARASU.G.,
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.91 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21 (1) of Mines and Minerals (Development and Regulation) Act, in Crime No.91 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have transported 3 units of gravel sand illegally by using Tipper Lorry and the same has been recovered. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that petitioners having previous cases in similar nature and the investigation of the case is pending.



5. Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners are directed to pay a sum of Rs.8,000/- (Rupees Eight Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, (**Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai**) without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) 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 can be registered under Section 229-A IPC.

sd/-

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVAIKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

COPY TO:

THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL OTHAKADAI,
MADURAI EAST, MADURAI.

+1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.10361

ORDER

IN

CRL OP(MD) No.16907 of 2022

Date :21/09/2022

TRP

SA/GB/SAR.1/27.09.2022/3P/7C