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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/09/2022

PRESENT

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

CRL OP(MD). No.17285 of 2022

1. Sathishkumar,

2. Nethaji,

...Petitioners/Accused Rank Not Known

Vs

The Inspector of Police,  
Checkaurani Police Station,  
Madurai District.  
(Crime No.177/2022).

... Respondent/Complainant

For Petitioners : M/s.R.Shunmathi Priya, 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.177/2022 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 Section 379 of IPC and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.177 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were illegally running a gravel quarry, after expiry of lease period. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that



co-accused were already granted bail and anticipatory bail. the petitioners may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners are working under A1 and the co-accused were already granted bail and anticipatory bail and no previous case is pending against the petitioners. He would further submit that the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and the facts that the petitioners are not having any bad antecedents and the co-accused were already granted on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Usilampatti, 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 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/-  
28/09/2022

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

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

+1 CC to M/s.R.SHUNMATHI PRIYA, Advocate (SR-10660[I] dated 28/09/2022 )

ORDER  
IN  
CRL OP(MD) No.17285 of 2022  
Date :28/09/2022

PKP/GB/SAR /10.10.2022/3P/6C