



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

Date : 13/10/2022

PRESENT

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

CRL OP(MD) . No.18174 of 2022

1. Muthu,
2. Thalaimalai,
3. Pandi,

... Petitioners/Accused No.2,4&5

Vs

The State Rep. By,
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.303/2020).

... Respondent/Dejure Complainant

For Petitioner : M/s.Alexander J,
Advocate.

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

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

PRAYER :-

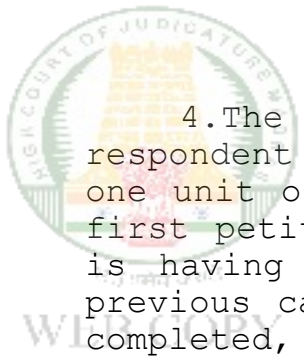
For Anticipatory Bail in Crime No.303/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.303 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused said to have illegally transported one unit of river sand without any valid permit. 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. He would further submit that the petitioners shall abide any condition imposed by this Court.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners have transported one unit of river sand illegally. He would further submit that the first petitioner is having 6 previous cases, the second petitioner is having 1 previous case and the third petitioner is having 3 previous cases. Further, the investigation in this case is not yet completed, he strongly opposed to grant anticipatory bail.

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

6.Accordingly, **each petitioners** shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.On production of such receipt/acknowledgment, 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, Rajapalayam Court, Virudhunagar, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with the 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]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/10/2022

WEB COPY

/ TRUE COPY /

/10/2022

Sub-Assistant Registrar (C.S.)
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,
RAJAPALAYAM COURT, VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.ALEXANDER, Advocate (SR-11340[I] dated 13/10/2022)

ORDER
IN
CRL OP(MD) No.18174 of 2022
Date :13/10/2022

dss
USK/SBN/SAR-II/19.10.2022/3P/6C