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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.18196 of 2022**

1. Alagarsamy  
2. Rajalingam

... Petitioners/Accused No.3 & 4

Vs

State rep.by  
The Inspector of Police,  
Valanadu Police Station,  
Trichy District.  
(Crime No.144 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Sathya Chidambaram S, 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.144/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused Nos.3 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.144 of 2022 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 red 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 co-accused were already released on bail and the petitioners are not having any previous case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners have transported one unit of red sand illegally. He would further submit that A1 & A2 were already released on bail and no previous case is pending against the petitioner. But, however, the investigation in this case is not yet completed, he strongly opposed to grant anticipatory bail.

5. Considering the nature of the offence alleged and also considering the fact that co-accused have also been released on bail and no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, 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, Manaparai, Trichy District, 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

/ TRUE COPY /

/10/2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

DSS

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

COPY TO:

THE OFFICER INCHARGE, ROJAVANAM,  
HOME FOR AGED AND POOR, MADURAI.

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.11311

ORDER  
IN  
CRL OP(MD) No.18196 of 2022  
Date :13/10/2022