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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.18371 of 2022

1. Thirumalai Kumar

2. Thirumalaiselvi

... Petitioners/
Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No. 141 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Satesh Kumar B,
Advocate.

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

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

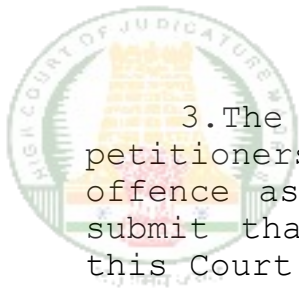
PRAYER :-

For Anticipatory Bail in Crime No. 141 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 Section 379 of IPC and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.141 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported one unit of sand without any valid permit. Hence, the 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. However, he would further submit that the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners and other accused have illegally transported one unit of sand. He would further submit that the first petitioner is not having any previous case and the second petitioner is having two previous case and the investigation in this case is still pending. 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, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the credit of Dispensary, Madurai Bench of Madras High Court operated by the Registrar (Admin), (Account No:-6960810645, IFSC Code:- IDIB000H040, Indian Bank),** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Rajapalayam.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of 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, Rajapalayam, 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 a.m., 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/-

17/10/2022

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

cp

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1. THE REGISTRAR (ADMIN),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE OFFICER IN CHARGE,
DISPENSARY, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.18371 of 2022

Date : 17/10/2022

RK/SSS/SAR- (28/10/2022) 3P/8C

<https://www.mhc.tn.gov.in/judis>