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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18693 of 2022

1.Murugesan

2.Thiyagarajan

3.Muthuselvan

... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Thuvarankurichi Police Station,
Thuvarankurichi,
Trichy District.
(Crime No.176/2022)

... Respondent/Complainant

For Petitioners : M/s.Vadivelan T,
Advocate.

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

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

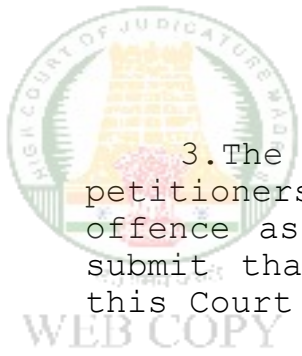
PRAYER :-

For Anticipatory Bail in Crime No.176/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.176 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported three units of red 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 have transported three units of red sand illegally. He would further submit that the second petitioner is having 12 previous cases and the first and third petitioners are not having any previous cases and 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 first and third petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) each and the second petitioner shall pay a sum of Rs.4000/- (Rupees Four Thousand only) **to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai),** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Manapparai.

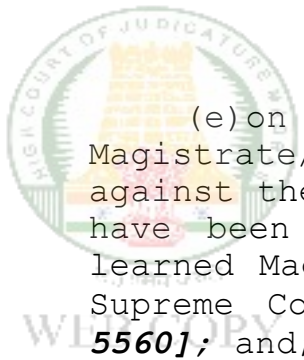
7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, on condition that 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 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/-

19/10/2022

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/11/2022

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

TO

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

Copy to:

THE HEAD MISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL, MADURAI EAST,
MADURAI.

ORDER

IN

CRL OP(MD) No.18693 of 2022

Date :19/10/2022

SS/VR/SAR IV/03/11/2022/ 3P 6C