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CRL OP(MD).N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/10/2022

PRESENT

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

CRL OP(MD).No.18868 of 2022

1. K.Ramesh  
2. Dinesh

... Petitioners/Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Iluppur Police Station,  
Pudukottai District.  
(Crime No.274/2022).

... Respondent/Complainant

For Petitioner : Mr.B.Mahendrarajan,  
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.274 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 offence punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.274 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 30.09.2022, the petitioners have illegally transported three units of stone slab. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

<https://www.thehindu.com/news/national/tamilnadu/crime/article18868000.html>



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have transported three units of stone slab illegally. However, considering the gravity of offence, he strongly opposed to grant 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.5,000/- (Rupees Five Thousand only)** to the **Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040]**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Illuppur, Pudukottai District.

7.On production of such receipt, 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, Illuppur, Pudukottai 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 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;



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(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
20/10/2022

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

COPY TO :

THE OFFICER-INCHARGE,  
MADURAI BENCH OF MADRAS HIGH COURT ADVOCATES WELFARE FUND,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.18868 of 2022  
Date :20/10/2022

VSD  
USK/GB/SAR-I/01.11.2022/3P/6C