



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.19206 of 2022

WEB COPY

1. Ramesh  
2. Palani

... Petitioners/Accused No.1&2

Vs

The State Rep. By,  
The Sub Inspector of Police,  
Keeranur Police Station,  
Pudukkottai District.  
Crime No. 327/2022.

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian.P.,  
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. 327 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 Sections 379  
IPC r/w. Section 21(1) of (Mines and Mineral (Development and  
Regulation) Act, 1987 in Crime No.327 of 2022, seek anticipatory  
bail.

2.The case of the prosecution is that the petitioners and other  
accused have transported three units of gravel sand and the same was  
recovered. 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 and their names have been falsely  
implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that  
the property recovered is worth about Rs.9,000/- and the  
investigation of the case is pending and he strongly opposed to  
grant anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case, considering the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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, Keeranur, 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) each of the petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the **credit of Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023 (Account No:-496039124, IFSC Code:-IDIB000H040)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) 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;

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

sd/-

31/10/2022

/ TRUE COPY /

/11/2022

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



TO

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

COPY TO :

THE OFFICER-INCHARGE,  
ADVOCATE CLERKS WELFARE ASSOCIATION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI-625023.

ORDER  
IN  
CRL OP(MD) No.19206 of 2022  
Date :31/10/2022

TRP  
USK/SSS/SAR-II/08.11.2022/3P/6C