



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19473 of 2022

1. Muniyayya,

2. Muthukaruppan @ Karuppaiya, ... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by

The Inspector of Police,

Peravurani Police Station,

Thanjavur District

(Crime No.667 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Anandan 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.667 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 353, 379 and 506(ii) IPC and Section 3(1) of TNPPDL Act r/w 21 (1) of Mines and Minerals Act, 1957, in Crime No.667 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 07.10.2022, the petitioners along with other accused said to have caused damage to the bank of Kandiyur Pond of the village worth about Rs.50,000/- and committed the offence of theft of sand worth about Rs.30,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as



alleged by the prosecution. He would further submit that P 14 were already released on bail by this Court in Crl.O.P.(MD)No.19285 of 2022, dated 01.11.2022. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.2,500/- (Rupees Two Thousand and Five Hundred only)** each 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/acknowledgement before the learned District Munsif cum Judicial Magistrate, Peravurani.

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 District Munsif cum Judicial Magistrate, Peravurani, 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:

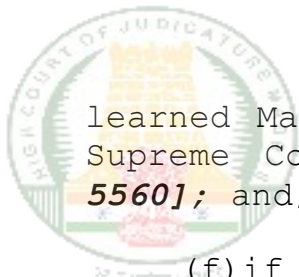
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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/-

04/11/2022

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAVURANI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST.

ORDER

IN

CRL OP(MD) No.19473 of 2022

Date :04/11/2022

PKP/BUC/SAR-4/16.11.2022/3P/6C