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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/11/2022

PRESENT

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

CRL OP(MD) . No.19921 of 2022

1. Ponnusamy,

2. Suresh,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Illupur Police Station,
Pudukkottai District.
Cr.No.309/2022.

... Respondent/Complainant

For Petitioner : M/s.Appaji C K M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.309/2022 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 IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.309 of 2022, seek anticipatory bail.

2.The case of the prosecution is that petitioners have transported 1/2 unit of gravel sand illegally by using tipper lorry worth about Rs.2,000/- and the same was recovered. Hence, the



3. The learned counsel for the petitioners would submit that 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.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioners have illegally transported $\frac{1}{2}$ unit of gravel sand and the same was recovered. He would further submit that 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 and also 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 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, Illuppur 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 petitioner 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/11/2022

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

TO

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

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-12778[I] dated 10/11/2022)

ORDER
IN
CRL OP(MD) No.19921 of 2022
Date :10/11/2022

trp
PKP/SSS/SAR-1/18.11.2022/3P/6C