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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

PRESENT

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

CRL OP(MD) . No.20594 of 2022

- | | | |
|-----------------------------------|-----|--|
| 1. Mohemedu Fakruthen Raja (Raja) | ... | 1 st Petitioner/1 st Accused |
| @ J.Mohamed Bakrudeen Raja | | |
| 2. Chandirasekar | ... | 2 nd Petitioner/2nd Accused |

Vs

State rep.by
The Inspector of Police,
Manikandan Police Station,
Trichy District.
(Crime No.163 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Jerin Mathew M, Advocate.

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

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

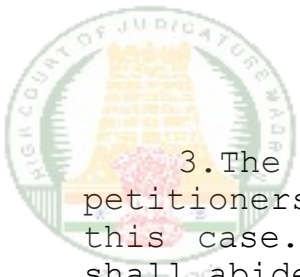
PRAYER :-

For Anticipatory Bail in Crime No.163 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, and Section 379 of IPC, in Crime No.163 of 2022, seek anticipatory bail.

The case of the prosecution is that the petitioners have illegally transported 3 units of gravel sand worth about Rs.9,000/-. 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.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have transported 3 units of gravel sand worth about Rs.9,000/- illegally. 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 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.3,000/- (Rupees Three Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270,IFSC No.SBIN0002246), Phone No.2422950,** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.IV, Trichy.

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 No.IV, Trichy, 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:

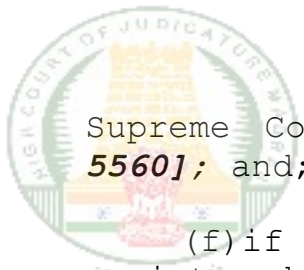
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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) 5560]**; and;

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

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEADMISTRESS, MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1. CC to M/S.JERIN MATHEW M Advocate SR.No.13401

ORDER
IN
CRL OP(MD) No.20594 of 2022
Date :21/11/2022