



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

The Hon'ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23286 of 2022

1. Kavibalan,
2. Rajadurai,
3. Prabakaran,
4. Santhosh,
5. Amaresan,

... Petitioners/Accused Nos. 2 to 6

Vs

State Rep.by
The Inspector of Police,
Karambakudi Police Station,
Pudukottai District,
(Crime No.426 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Poornachandran.S, Advocate

For Respondent : Mrs.M.Aasha
Government Advocate (Crl.Side)

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

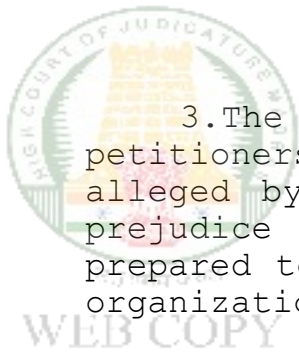
PRAYER :-

For Anticipatory Bail in Crime No.426/2022 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 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.426 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported river sand in aluminium vessels, without any permit. Hence, the complaint.



3.The learned counsel for the petitioners submitted the petitioners are innocent and they have not committed any offence, as alleged by the prosecution. He would further submit that without prejudice to their rights and contentions, the petitioners are prepared to deposit an amount of Rs.15,000/- towards any charitable organization or association.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons had transported mineral illegally. In this case, investigation is still pending and hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the readiness of the petitioners to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioners shall make a donation/non-refundable deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.0767823177, IFSC Code:SBIN0000898, MICR CODE:625002601, Branch: SBI Periyakulam** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

8.On production of such receipt/acknowledgment, 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 on which the order copy made ready, before the learned **Judicial Magistrate, Alangudi**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., until further orders;



[c] the petitioners shall not tamper with evidence or 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/12/2022

/ TRUE COPY /

29/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/LR

TO

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

COPY TO

THE DISTRICT SIDDHA MEDICAL
OFFICER, CCRI PKM, PERIYAKULAM.

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-15642[I] dated
28/12/2022)

ORDER
IN
CRL OP(MD) No.23286 of 2022
Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>