



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

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PRESENT

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

CRL OP(MD). No.23320 of 2022

1. Akilan

2. Ramesh

... Petitioners/Accused Nos.3&5

Vs

The State rep.by
The Inspector of Police,
Karambakkudi Police Station,
Pudukkottai District.
Crime No.434 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Rajesh K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.434 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 147, 294(b), 353, 333, 342, 307 and 506(ii) IPC r/w Section 21(1) of Mines and Minerals Development and Regulation Act 1957, in Crime No.434 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have attempted to transport one unit of river sand. 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. He would further submit that the petitioners shall abide any condition imposed by this Court. Hence, the court granted anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners have attempted to transport one unit of river sand illegally. He would further submit that the first petitioner is having no previous case and the second petitioner is having one previous case. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, 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 learned District Munsif cum Judicial Magistrate Court, Alangudi, Pudukkottai District.

7.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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court, Alangudi, Pudukkottai District, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with the 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]**.

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

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sd/-
28/12/2022

/ TRUE COPY /

29/12/2022

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

SJI/PNN

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
ALANGUDI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
KARAMBAKKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM,
PERIYAKULAM.

ORDER
IN
CRL OP(MD) No.23320 of 2022
Date :28/12/2022

RK/VR/SAR-2 (29/12/2022) 3P/6C