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CRL OP(MD).



23

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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3147 of 2023

1. Muthuraja

2. Balamurugan ... Petitioners / Accused Rank not known

Vs

The Sub Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(Fir No.58/2022).

... Respondent / Complainant

For Petitioners : M/s.R.Murugappan, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.58/2022 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 I.P.C., and section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.58 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have illegally transported one unit of sand. Hence, a case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not any

<https://www.mca.gov.in/judis>



offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that petitioners have illegally transported one unit of sand. He would further submit that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, 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 two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Thiruchuzhi, Virudhunagar 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 respondent Police or to 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;

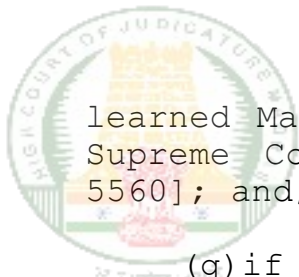
(b)the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/03/2023

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

AAV

TO

1.The Judicial Magistrate,
Thiruchuzhi, Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Sub Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Chairman / District Collector,
District Minetal Foundation Trust,
Virudhunagar District.

+1. CC to M/S.MURUGAPPAN R Advocate SR.No.3872(I), dated
10.03.2023

ORDER
IN
CRL OP(MD) No.3147 of 2023
Date :08/03/2023

ED/MMS/SAR-3 (13/03/2023) 3P 7C