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CRL OP(MD).



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

Date : 06/03/2023

PRESENT

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

CRL OP(MD) . No.3713 of 2023

1. V.Muthu
2. M.Marimuthu

... Petitioners/Accused No.4,8

Vs

The Inspector of Police,
Cumbum South Police Station,
Cumbum 625 516,
Theni District.
(Crime No.41 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Karuppasamy Pandiayan.M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A4 and A8, who apprehend arrest apprehending 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.41 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused said to have illegally transported Karambai soil. The case has been registered.

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



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

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4.The learned Additional Public Prosecutor appearing for the respondent police submitted that petitioners along with other accused said to have illegally transported Karambai soil. He would further submit that no previous case 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, Uthamapalayam, Theni 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 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 daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation;

(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) AIR SCW 5560]; and;



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

sd/-
06/03/2023

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/03/2023

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

AAV

TO

1. The Judicial Magistrate, Uthamapalayam, Theni District.
2. Do through the Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Cumbum South Police Station,
Theni District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.KARUPPASAMY PANDIAYAN, Advocate (SR-3435[I] dated 06/03/2023)

ORDER
IN
CRL OP(MD) No.3713 of 2023
Date : 06/03/2023

NA/BUC/SAR-I/16.03.2023/3P/6C