



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

Date : 07/03/2023

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PRESENT

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

CRL OP(MD) . No.4355 of 2023

1. Vijay

2. Arunachalam

... Petitioners / Accused Nos.3 & 4

Vs

State rep by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.72 of 2023.)

... Respondent / Complainant

For Petitioner : A.Sankararamasubramanian, 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.72 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC (Sand Theft), in Crime No.72 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have illegally transported four units of red sand. Hence, a case has been registered.

3.Heard. Perused the materials available on record including Information Report.



4.It is submitted by the learned Additional Public Prosecutor appearing for the respondent police that the second petitioner has got one previous case.

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 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, Tenkasi 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 each of the petitioners shall make a non refundable deposit of Rs.15,000/- (Rupees Fifteen 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 petitioners;

(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 Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(g)if the accused/petitioners thereafter abscond, a f [R
can be registered under Section 229-A IPC.

sd/-
07/03/2023

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

SJI

To

1.The Judicial Magistrate,
Tenkadi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Tankasi Police Station,
Tenkasi District.

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

Copy to:

The Chairman / District Collector,
District Mineral Foundation Trust,
Tenkasi District.

+1. CC to A.SANKARARAMASUBRAMANIAN Advocate SR.No.3692(I), dated
08.03.2023

ORDER
IN
CRL OP(MD) No.4355 of 2023
Date :07/03/2023

ED/MMS/SAR-4 (15/03/2023) 3P 7C