



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/03/2023
PRESENT

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

CRL OP(MD) . No.6090 of 2023

1. Durai,
2. Selvam,
3. Vinoth, ... Petitioners/Accused 1,2 & 4

Vs

The State rep.by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(Crime No.222/2020).

... Respondent/Complainant

For Petitioners : Mr.D.Rameshkumar,
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 Cr No.222/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 ,2 and 4 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 324, 341 and 506(ii) of IPC in Crime No. 222 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The defacto complainant in this case is the informer about illegal sand mining and transportation of river sand. Earlier the defacto complainant said to have informed about the illegal sand mining to the police, due to that on 25.08.2020 A2 in this case said to have attacked the brother of the defacto complainant. Thereafter on the very same day about 11.00 am all the accused went to the house of the defacto complainant and also tried to attack his brother, however he escaped and ran into the agricultural field, where all the accused abused him and when the same was informed to the defacto complainant he rushed to the scene of occurrence where all the accused persons attacked him with iron rod and caused injuries. Hence the case



3. Heard both side and perused the materials available on record including the First Information Report. It is reported that the first petitioner is having seven previous cases, second petitioner is having two previous cases and no case is pending against the third petitioner.

4. It is seen that the first petitioner was granted anticipatory bail by this Court in Crl.O.P(MD) No.3422 of 2021 on 04.03.2021, since he was unable to furnish sureties, he has filed the present petition. Even after the lapse of two years the respondent police is unable to secure the petitioner, therefore custodial interrogation of the petitioner does not required in this case, hence this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. Accordingly, 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, Ilupur, Pudukottai 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 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, 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].



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CRL OP(MD).



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

sd/-
31/03/2023

/ TRUE COPY /

/04/2023

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

AAV
TO

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

ORDER

IN

CRL OP(MD) No.6090 of 2023
Date :31/03/2023

SA/BUC/SAR.1/06.04.2023/3P/5C