



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

Date : 03/04/2023

PRESENT

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

CRL OP(MD) . No.6238 of 2023

1.Ganesan

2.Raja Kumar

... Petitioners / Unknown

Vs

The State rep., by
The Sub-Inspector of Police,
Marthandam Police Station,
Kanyakumari District,
Crime No.120 of 2023.

... Respondent / Complainant

For Petitioners : Mr.C.Muthu Saravanan, 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.120 of 2023 on the file of the respondent police

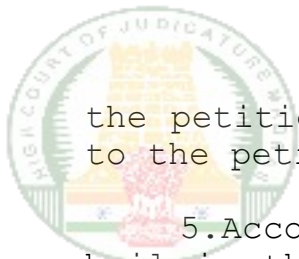
ORDER : The Court made the following order :-

The petitioners/Unknown, 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.120 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners said to have breaked rock and the same was removed with Hitachi without obtaining permission from the Government, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4.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 anticipa¹l
to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari 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 report before the respondent police daily at 10.30 a.m for a period of two 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

sd/-
03/04/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate No.I,
Kuzhithurai, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Sub-Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

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

+1. CC to M/S.MUTHU SARAVANAN.C Advocate SR.No.19687(F) dated
05.04.2023.

ORDER

IN

CRL OP(MD) No.6238 of 2023

Date :03/04/2023

ED/VR/SAR-4 (10/04/2023) 3P 6C