



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

Date : 06/04/2023

PRESENT

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

CRL OP(MD) . No.6356 of 2023

1. Antony
2. Saminathan

... Petitioners / Accused No.4 & 5

Vs

The State rep by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

***(Crime No.151/2023.)** ... Respondent / Complainant
**(Amended as per order of the court dated
28/04/2023 in Crl.M.P.(MD)No.7108 of 2023 in
Crl.O.P(MD)No.6356 of 2023 by GKIJ)**

For Petitioners : M/s.T.Leninkumar, 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. 151/2023** on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 and A5 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.151 of 2023** 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 red sand, 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

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



considering the fact that there is no previous case pending at the petitioners, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manaparai 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 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;

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

sd/-

06/04/2023

(*) Amended as per order of this court dated 28/04/2023

/ TRUE COPY /

/04/2023

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



To

To be substituted to the order dated 06/04/2023 already despatched

1.The Judicial Magistrate,
Manapparai.

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

3.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-5564[I] dated 10/04/2023)

ORDER

IN

CRL OP(MD) No.6356 of 2023

Date :06/04/2023

ED/SSS/SAR-3 (12/04/2023) 3P 6C

NA/MMS/SAR-2 (30/05/2023) 3P 6C