



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.6358 of 2023

1. Saravanan,
2. Vinothkumar,
3. Murugesan,
4. Chellaiyan,
5. Muthuraj,
6. Naanjil Manoharan,
7. Ramesh,

... Petitioners/Accused
Nos.1,3,7,10 to 13

Vs

The State rep.by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
Cr.No.95/2023.

... Respondent/Complainant

For Petitioners : M/s.Murugesan.D.R.,
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. 95/2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1,3,7,10 to 13 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 342, 294(b),353 and 506(ii) of IPC in Crime No. 95 of 2023 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the de-facto court it is that 28.03.2023 at about 22.00 hrs when the respondent police conducted surprise check they found the accused persons involved in illegal transportation of river sand in a bullock cart and when the respondent police intercepted to secure the accused the sixth accused and others assembled together and shouted slogans in protest to arrest the accused involved in the sand theft and they prevented the respondent police from discharging their duties, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report. It is reported that second petitioner/A3 was arrested.

4. Taking into consideration of the facts and circumstances of the case and also the fact that no one sustained injuries in the said occurrence, this court is inclined to grant anticipatory bail to the petitioners A1,7,10 to 13 , with certain conditions:

5. Accordingly, the A1,7,10 to 13 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, Peravurani, on condition that the A1,7,10 to 13 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 A1,7,10 to 13 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 A1,7,10 to 13 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 A1,7,10 to 13 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 A1,7,10 to 13 in accordance with law as if the conditions have been imposed and the A1,7,10 to 13 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



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

6. The second petitioner/A3 was arrested and remanded to judicial custody, hence the petition stands dismissed as against the second petitioner.

sd/-

06/04/2023

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/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
PERAVURANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6358 of 2023

Date :06/04/2023

SA/BUC/SAR.2/12.04.2023/3P/5C