



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8489 of 2023

1. Muthuramalingam

2. Vinayagamoorthy

... Petitioners/Accused 1&2

Vs

The State rep.by
The Inspector of Police,
Keelaparalachi Police Station,
Virudhunagar District.
(In Crime No.42 of 2023).

... Respondent/Complainant

For Petitioners : A.Balaji, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.42 of 2023 on the file of the respondent police.

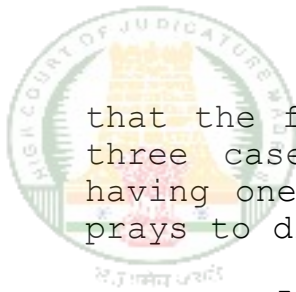
ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.42 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 1 unit of odai sand, without any valid permit, in the vehicle. Therefore, the present case came to be registered.

3. On the side of petitioners, it is stated that the petitioners are innocent and they have been falsely implicated in this case. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.42 of 2023 before the trial Court concerned.

4. On the side of prosecution, it is stated that the petitioners have transported mineral illegally. He further submitted



that the first petitioner is having four previous cases, three cases are similar in nature and the second petitioner is having one previous case, which is not similar in nature. Hence, prays to dismiss the petition.

5. Though the petitioners are having previous cases at their credit, considering the minimum quantity involved in this case and their willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Cr.No.42 of 2023 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Aruppukottai**, 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be appear before the Court on hearing dates and before the respondent police as and when required;

(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;



CRL OP(MD).

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

sd/-
04/05/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
KEELAPARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8489 of 2023

Date :04/05/2023

SA/SSS/SAR.1/08.05.2023/3P/5C