



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

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PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8638 of 2023

1.P.Dinesh
2.P.Mohan Kumar

... 1 & 2 Petitioners
/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.142 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.142 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 379 and 353 of I.P.C., and section 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.142 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 illegally transported the sand without any valid permit. Hence, the case.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that the first petitioner is having four previous cases, in which, two cases are similar in nature and the second petitioner is having one previous case.



4. Considering the facts and circumstances of the case, the 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, Athoor, Dindigul 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the credit of **Cancer Institute (WIA), No.38, Sardar Patel Road, Adayar, Chennai - 20** and shall produce the receipt before the concerned Magistrate at the time of executing the bond along with surety affidavit.

(c) the petitioners shall file an undertaking affidavit that they will not indulge in any such offence in future, before the learned Magistrate. On filing of such undertaking affidavit, the concerned Magistrate shall accept the sureties;

(d) 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;

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

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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 are 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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(h)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-

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

CP

TO

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

COPY TO

THE DEAN
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD,
ADAYAR, CHENNAI - 20.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-7252[I] dated
10/05/2023)

ORDER

IN

CRL OP(MD) No.8638 of 2023

Date :10/05/2023

RS/VR/SAR-3(12.05.2023) 3P 7C