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CRL OP(MD).



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

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8649 of 2023

1. R.Rasu
2. S.Ramaiah

... Petitioners/Accused Nos.3 and 4

Vs

State rep. by
The Inspector of Police,
Thirumayam Police Station,
Pudukottai,
Pudukottai District.
Cr.No.92/2023.

... Respondent/Complainant

For Petitioners : Mr. Imran Khan.J,
Advocate.

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

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

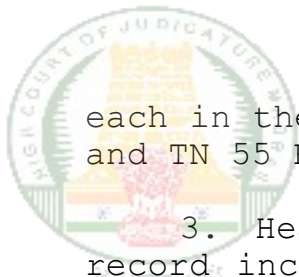
PRAYER :-

For Anticipatory Bail in Crime No. 92/2023 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 of I.P.C., and section 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.92 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first and second accused persons did to have illegally transported 6 units of gravel sand



each in the petitioners lorry bearing Registration Nos.TN 51 and TN 55 BL 7320 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 and second accused, who were the drivers of lorry were released on bail by the learned Principal Sessions Judge, Pudukkottai on 28.04.2023 on condition to deposit a sum of Rs.1,00,000/- each in the name of the District Collector, Pudukkottai District. The order has also been complied on 29.04.2023.

4.Considering the fact that the first and second accused have already deposited the amount ordered by the learned Principal Sessions Judge, Pudukkottai and that the petitioners are only the owners of the lorry, 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, Thirumayam, Pudukottai 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 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



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

sd/-
10/05/2023

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

MBI

TO

1. The Judicial Magistrate,
Thirumayam, Pudukottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
Thirumayam Police Station,
Pudukottai, Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.8649 of 2023

Date : 10/05/2023

NA/MMS/SAR-3/16.05.2023/3P/5C