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CRL OP(MD).



23

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.8699 of 2023

1. Johnregan @ Rigan

2. Mathavan

3.Stalin

4.Dinakaran

5.Anandan @ Anand

6.Jestin Kuzhanthaisamy ... Petitioners/Accused Nos. 1 to 6

Vs

State Rep.by

The Inspector of Police,

Ayyampettai Police Station

Thanjavur District.

(crime No. 158 OF 2023) ... Respondent/Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian, 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. 158 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 of I.P.C., and section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.158 of 2023 on the file of the respondent police, seek anticipatory bail.

<https://www.mca.gov.in>



2.The case of the prosecution is that on 04.05.2023, the petitioners have illegally transported 1/4 unit of river sand in Bullock Cart without 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 petitioners have no previous case.

4.Considering the facts and circumstances of the case and the fact that the petitioners are having no previous case, 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 District Munsif cum Judicial Magistrate No.III, Thanjavur 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.2,000/- (Rupees Two Thousand only) each 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;

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

sd/-

10/05/2023

/ TRUE COPY /

/05/2023

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

MBI
TO

1 THE DISTRICT MUNSIF
JUDICIAL MAGISTRATE NO.III, THANJAVUR DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION, THANJAVUR 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.

ORDER

IN

CRL OP(MD) No.8699 of 2023

Date : 10/05/2023

PKP/ /SAR-/26.05.2023/ 3P/6C