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CRL OP(MD).



23

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

Date : 17/05/2023

PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.8878 of 2023

1.P.Suresh  
2.R.Sundar Raj @ Sundher Raj  
3.C.Jegan @ Jahan

... Petitioners/A1 to A3

Vs

The State rep.,by  
The Sub-Inspector of Police,  
Marthandam Police Station,  
Kanyakumari District.  
Crime No. 150 of 2023.

... Respondent/Complainant

For Petitioner : Mr.C.Muthu Saravanan  
For Respondent : Mr.A.Albert James  
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.150 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC and Section 21(1) of Tamil Nadu Mines and Minerals Developments and Regulation Act, 1957, in Crime No.150 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 27.04.2023 at about 10.30 am., based on the information received, the respondent police conducted inspection near Vivekanandar Street, Pammam, wherein the vehicle with a compressor bearing Registration No.TN 47 AE 2682 was breaking the rock and the same was removed with Hitachi without obtaining permission from the Government. On seeing the respondent police, the accused persons stopped the vehicle and run away from the place. Hence, the complaint.



3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the State.

4. The learned counsel for the petitioners would further submit that the petitioners, without prejudice to their right, are ready to deposit the amount that may be imposed by this Court.

5. Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners jointly shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit **to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.1, Kuzhithurai, Kanniyakumari District.

7. On production of such receipt/acknowledgment, the petitioners 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 of receipt of a copy of this order, before the Judicial Magistrate NO.1, Kuzhithurai, Kanniyakumari 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 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police on every Sunday at 10.30 a.m., for a period of eight weeks 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 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 released on 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]**.

sd/-

17/05/2023

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

RMK

TO

- 1 THE JUDICIAL MAGISTRATE NO.I  
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE  
MARTHANDAM POLICE STATION  
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:  
THE OFFICER INCHARGE,  
DISTRICT SIDDHA MEDICAL OFFICER,  
CCRI, PKM, PERIYAKULAM.

ORDER

IN

CRL OP(MD) No.8878 of 2023

Date :17/05/2023

SS/MMS/SAR-III/19.05.2023/ **3P/ 6C**