



WEB COPY

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.8923 of 2023

1.Gopal @ Gopalakrishnan

2.Thangavel

... Petitioners/Accused No.1 & 2

Vs

State through

The Sub Inspector of Police,

Eraniel Police Station,

Kanyakumari District.

(In Crime No.159 of 2023)

... Respondent/Complainant

For Petitioners : Mr.B.Muneeswaran, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.159 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.159 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally extract soil by using hitachi and Tata Tempo. Hence, the case.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is pending.



5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 learned Judicial Magistrate, Eraniel, Kanyakumari District, on condition that the petitioner 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 are directed to jointly deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c] the petitioners shall report before the respondent police once in a week i.e., on every Sunday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/05/2023

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/05/2023

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

gns

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI - 625 023.

+1 CC to M/s.C.M.MARI CHELLAH PRABHU, Advocate (SR-7401[I] dated
17/05/2023)

ORDER

IN

CRL OP(MD) No.8923 of 2023

Date :17/05/2023

RS//SAR-(25.05.2023) 3P 7C