



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.9820 of 2023

1.Prabakaran
2.Selvan

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Sampathuviduthi Police Station,
Pudukkottai District.
(Crime No.62 of 2023)

... Respondent/Complainant

For Petitioners : Mr.D.Rameshkumar, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.62 of 2023 on the file of the Respondent Police.

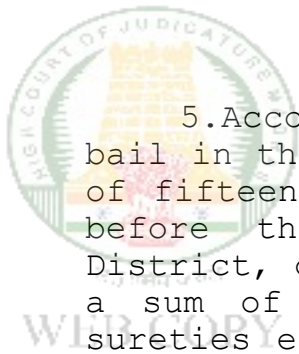
ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of the Tamil Nadu Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.62 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioner was illegally transported ½ unit of river sand by using Tipper Lorry. Hence the case.

3.Heard both sides and perused the materials available in the record.

4.Considering the facts and circumstances of the 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Alangudi, Pudukkottai 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 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 jointly shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;

[c] 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;

[d] the petitioners shall not tamper with 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/06/2023

/ TRUE COPY /

/06/2023

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, ALANGUDI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, SAMPATHUVIDUTHI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

COPY TO

THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT.

ORDER

IN

CRL OP(MD) No.9820 of 2023

Date :07/06/2023

RS/VR/SAR-(14.06.2023) 3P 6C