



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.06.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.9823 of 2023

1.Prabhu ... Petitioners/Accused 1/Driver
2.Vennila ... Petitioners/Accused 2/Owner

Vs

State Rep.by
The Inspector of Police,
Navalpattu Police Station,
Trichy District.
(Crime No.120 of 2023)

... Respondent/Complainant

For Petitioners : Mr.T.J.Ebenezer Charles, 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.120 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 21 (4) of the Mines and Minerals (Development and Regulation) Act and Sections 420 & 379 IPC in Crime No.120 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 27.05.2023, at about 06.00 pm., when the defacto complainant, who is Village Administrative Officer, along with other revenue officials, were on vehicle checking duty, they found one tarass lorry with gravel sand. When the defacto complainant examined the pass, it was expired. Hence, the vehicle with sand was handed over to the respondent police.

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



4.Considering the facts and circumstances of the case, the 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-III, Trichy 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 first petitioner 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 and the second petitioner shall report before the respondent police as and when required.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/06/2023

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/06/2023

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

gns



TO

1 THE JUDICIAL MAGISTRATE-III, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE, NAVALPATTU POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.T.J.EBENEZAR CHARLES, Advocate (SR-8185[I] dated
07/06/2023)

ORDER

IN

CRL OP(MD) No.9823 of 2023

Date :07/06/2023

RS/VR/SAR-(15.06.2023) 3P 6C