



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

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.10392 of 2023

WEB COPY

1.K.Mariyappan

2.M.Urkavalan

... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Achanpudhur Police Station,
Tenkasi District.

(Crime No.27 of 2023) ... Respondent/Complainant

For Petitioner : M/s.Dinesh K,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2023 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/Rank Not known, who apprehend arrest at the
hands of the respondent police for the offence punishable under
Section 379 IPC, in Crime No.27 of 2023 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have
illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocents and they have been falsely implicated in
this case. However, he would further submit that the petitioners
without prejudice to their right, are ready to deposit the amount
that may be imposed by this Court.

4.The learned Government Advocate (Crl. side) appearing for the
respondent police would submit that the petitioners have transported
½ unit of river sand illegally. He would further submit that the
petitioners are arrayed as A1 & A2 and no previous case is pending



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.

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6. Accordingly, the each petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the District Mineral Foundation Trust, Thirunelveli District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court, Shenkottai.

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 Court, Shenkottai, 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 daily at 10.30 a.m., for a period of one month 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 petitioner 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 229-A IPC.

sd/-

13/06/2023

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/ 06 /2023

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

DSS

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



TO

1. The Judicial Magistrate Court, Shenkottai.
2. Do-Through The Chief Judicial Magistrate,
Tenkasi District.
3. The Inspector of Police,
Achanpudhur Police Station, Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Officer In-Charge,
District Mineral Foundation Trust,
Thirunelveli District.

+1. CC to M/S.DINESH K Advocate SR.No.27945 (F)

ORDER

IN

CRL OP(MD) No.10392 of 2023

Date :13/06/2023

RD/AR (20/06/2023) 3P 7C