



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

Date : 23/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11292 of 2023

WEB COPY

1. M. Rajasekar,
2. S. Ajin Bino Raj, ... Petitioners/Accused Nos.1 & 2

Vs

The State Rep.by
The Sub-Inspector of Police,
Marthandam Police Station
Kanyakumari District.
(Crime No.207 of 2023).

... Respondent/Complainant

For Petitioner : M/s.C.Muthu Saravanan,
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. 207 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

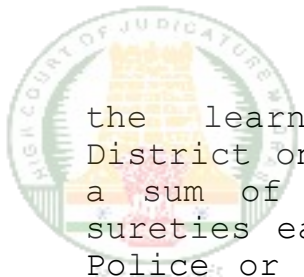
The petitioners/A1 and A2 who apprehend arrest at the hands of
the respondent police for the offences punishable under section 379
I.P.C., and section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.207 of 2023 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to
have illegally transported red sand, hence the case.

3. Heard both sides and perused the materials available on
record including the First Information Report.

4.Considering the facts and circumstances of the case and also
considering the fact that there is no previous case pending against
the petitioners, 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 their appearance, within a period of
two months from the date of receipt of a copy of this order, before



the learned Judicial Magistrate No.I, Kuzithurai, Kanyakumari 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 to 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 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;

(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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/06/2023

/ TRUE COPY /

/ 07 /2023

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

AAV

TO

1. The Judicial Magistrate No.I, Kuzithurai,
Kanyakumari District.



2. -do-Through The Chief Judicial Magistrate,
Kanyakumari District At Nagercoil.
3. The Inspector of Police,
Marthandam Police Station
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11292 of 2023
Date :23/06/2023

RD (04/07/2023) 3P 5C