



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

Date : 26/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11370 of 2023

WEB COPY

1. Sabin,
2. Justin Sobitha Raj, ... Petitioners/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Kottar Police Station , Nagercoil,
Kanniyakumari District.
(Crime No. 168 of 2023).

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan,
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. 168 of 2023 on the file
of the respondent Police.

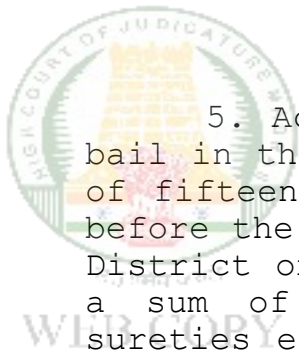
ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands
of the respondent police for the offences punishable under sections
379 of IPC and section 21(4) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.168 of 2023 on the file of the
respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along
with other accused have illegally transported crushed stone without
any valid permit, hence the case.

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

4. Taking into consideration of the facts and circumstances of
the case and also the fact no previous case is pending against the
petitioner 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 No.2, Nagercoil, Kaniyakumari 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 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].

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

sd/-

26/06/2023

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/07/2023

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

AAV



TO

1. The Judicial Magistrate No.2,
Nagercoil, Kaniyakumari District.

2. -do-Through The Chief Judicial Magistrate,
Kaniyakumari District At Nagercoil.

3. The Inspector of Police,
Kottar Police Station , Nagercoil,
Kanniyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-9616[I] dated 26/06/2023)
ORDER
IN
CRL OP(MD) No.11370 of 2023
Date :26/06/2023

RD (04/07/2023) 3P 6C