



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.11652 and 11654 of 2023

- | | |
|-------------------|---|
| 1.Sanosh | ...Petitioner/
Accused Rank not Known
in Crl.O.P.(MD)No.11652 of 2023 |
| 2.Sukumara Pillai | ...Petitioner/
Accused Rank not Known
in Crl.O.P.(MD)No.11654 of 2023 |

Vs

The State Rep.by
The Sub-Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.168 of 2023)

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner : Mr.S.Krishnakumar

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

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

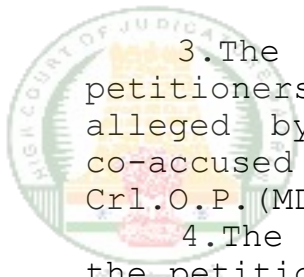
COMMON PRAYER :-

For Anticipatory Bail in Crime No.168 of 2023 on the file of the Respondent Police.

COMMON 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 Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 of IPC 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.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.11370 of 2023, dated 26.06.2023.

4.The learned Government Advocate(CrI.Side) would submit that the petitioners and other accused have illegally transported crushed stone without any valid permit.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged and also the fact that the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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.II, Nagercoil, 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/-
28/06/2023

/ TRUE COPY /

/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.S.KRISHNA KUMAR Advocate SR.No.9800

+1. CC to M/S.S.KRISHNA KUMAR Advocate SR.No.9799

ORDER

IN

CRL OP(MD) No.11652 of 2023

Date :28/06/2023

MGJ(07.07.2023) 3P 7C