



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.06.2023

PRESENT

WEB COPY

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

CRL OP(MD). No.11980 of 2023

1.Ajith
2.Mathivanan ... Petitioners/Accused Nos.1 & 2

Vs

The State represented by,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(In Crime No.210 of 2023).
... Respondent/Complainant

For Petitioners: Mr.R.Balamuruganantham

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

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

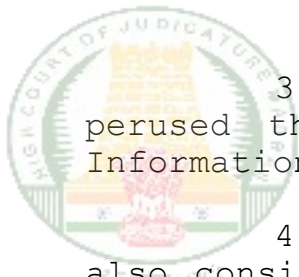
PRAYER :-

For Anticipatory Bail in Crime No.210 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C and r/w 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.210 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.06.2023 at about 05.00 p.m, the defacto complainant found that the accused persons involved in sand theft of 4 units without any valid license by using Tipper lorry bearing Registration No.TN-63-BD-9889. Hence, the complaint.



3. Heard the learned counsel appearing on either side 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 no previous case is 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Ilayangudi, Sivaganga 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/-
30/06/2023

/ TRUE COPY /

/07/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
ILAYANGUDI,
SIVAGANGA DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT.

3 THE INSPECTOR OF POLICE
ILAIYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.R.BALAMURUGANANTHAM Advocate SR.No.10174

ORDER
IN
CRL OP(MD) No.11980 of 2023
Date :30/06/2023

MGJ(07.07.2023) 3P 6C