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CRL OP(MD). No.15580 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15580 of 2023

1. Arunkumar,
2. Vinodhkumar,

... Petitioners/ Accused
Rank Not Known

Vs

The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
In Crime No.54 of 2023.

... Respondent/Complainant

For Petitioners : M/s.R.BALAMURUGANANTHAM,
Advocate.

For Respondent : Mr.S.RAVI,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.54 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 r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.54 of 2023 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners have illegally transported 1 ½ unit of river sand, hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and the respondent police has foisted a false case against them and they have not committed any offence as alleged in the First Information Report, hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners have illegally transported 1 ½ units of river sand. He would further submit that no previous case pending against the first petitioner and the second petitioner is having one previous case, hence he objected to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the quantum of material and considering the the nature of offence charged against the petitioners and considering other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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, Thirupathur, Sivagangai District on condition that the petitioners shall execute a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to

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the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
28/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

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1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KANDAVARAYANPATTI 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-12858[I] dated
28/08/2023)

ORDER IN
CRL OP(MD) No.15580 of 2023
Date :28/08/2023

SA/DD/SAR. /31.08.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.