



CRL OP(MD). No.15684 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15684 of 2023

1. A.Kannadhasan,
2. M.Loganathan

... Petitioners/ Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Vengal Police Station,
Karur District.
Crime No.340 of 2023.

... Respondent/Complainant

For Petitioners : M/s.J.Imran Khan, 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.340 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 Sections 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.340 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported



CRL OP(MD). No.15684 of 2023

two units of river sand, hence the case.

WEB COPY

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 said to have illegally transported two units of river sand. He would further submit that A1 is having three previous cases 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 and also considering the fact that no similar kind of offences are pending against the first petitioner, 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 No.II, Karur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD). No.15684 of 2023

Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days 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/-
29/08/2023

/ TRUE COPY /

/08/2023

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

AAV



CRL OP(MD). No.15684 of 2023

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.II, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, VENGAL POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.J.IMRAN KHAN Advocate SR.No.40478[F]

ORDER
IN

CRL OP(MD) No.15684 of 2023

Date :29/08/2023

RS/JGB/SAR-(30.08.2023) 4P 6C

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