



CRL OP(MD)No.15880 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15880 of 2023

1.Selvam

2.Rajalakshmi

... Petitioner/ Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(In Cr.No.214 of 2023)

... Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.214 of 2023 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.214 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were illegally transported rough stones, without any permission, hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the accused persons were illegally transported rough stone, worth about Rs.5,000/-, without any permission. The petitioner herein is not having any previous cases.

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



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6.Considering the rival submissions on either side and considering the fact that the petitioner is not having any previous cases and also considering the nature of offences, 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 District Munsif cum Judicial Magistrate Court, Illupur 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 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.



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[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/-
01/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3.THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.15880 of 2023
Date :01/09/2023

RK/VR (08/09/2023) 5P /5 C

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