



CRL OP(MD). No.17586 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM

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Chellamuthu,

... Petitioner/ Accused No.2

Vs

State rep. by
The Sub Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No.144/2023)

... Respondent/Complainant

For Petitioner : Mr.M.Rajaguru, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.144/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 379 IPC and Sections 21(1) of Mines and Minerals (Development and Regulations) Act, in Crime No.144 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.09.2023, the petitioner is involved in illegal transportation of 6 Units of ordinary stone without permission. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported 6 Units of ordinary stones in the lorry without permission. He further submitted that there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of



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arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif-cum-Judicial Magistrate, Aravakurichi, Karur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall appear before the trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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/-
03/10/2023

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/10 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARAVAKURICHI,
KARUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THENNIALAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M.RAJAGURU, Advocate (SR-14578[I] dated 04/10/2023)

ORDER
IN
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Date :03/10/2023

PKP/DD/SAR- /09.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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