



CRL OP(MD). No.17876 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17876 of 2023

1. Ramalakshmi

2. Balamurugan

3. Alagarsamy

4. Arumugam G

... Petitioners/ Accused No. 1 to 4

Vs

The State rep.by,
The Inspector of Police,
Amathur Police Station, Amathur,
Virudhunagar District.
Cr.No.185/2023.

... Respondent/Complainant

For Petitioner : M/s.Abdul Kalam.A.S, Advocate
for Spicy Law Firm,

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

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



CRL OP(MD). No.17876 of 2023

PRAYER :-
WEB COPY

For Anticipatory Bail in Crime No. 185/2023 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 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.185 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners said to have transported gravel sand illegally by using Tipper Lorry bearing Regn.No.TN 58 AV 5951. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners are not having any previous case and the investigation of the case is pending.



CRL OP(MD). No.17876 of 2023

WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. 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, Virudhunagar on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

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



CRL OP(MD). No.17876 of 2023

WEB COPY

[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 petitioner 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/-
09/10/2023

/ TRUE COPY /

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

TRP

TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



CRL OP(MD). No.17876 of 2023

3. THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION, AMATHUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M/S.SPICY LAW FIRM, Advocate (SR-14811[I] dated 09/10/2023)

ORDER
IN
CRL OP(MD) No.17876 of 2023
Date :09/10/2023

RK/VRS (12/10/2023) 5P / 6C

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