



CRL OP(MD). No.18034 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Murali

2. Narayanan

... Petitioners/ Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Manachanallur Police Station,
Trichy District.
Crime No.320/2023..

... Respondent/Complainant

For Petitioners : M/s.Arunraj.K,
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.320/2023 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



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police for the offences punishable under Sections 468,471,379 of IPC r/w.Section 21
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(1) of Mines and Minerals(Development and Regulation) Act, 1957 in Crime No.320
of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported three units of gravel sand. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Therefore, he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner along with other accused have illegally transported three units of gravel sand and A2 is having one previous case, hence he objected to grant anticipatory bail to the petitioners. However he fairly concedes that no previous case is pending against the first petitioner.

5.Considering the facts and circumstances of the case and also the fact that no previous case is pending against the first petitioner this court is inclined to grant



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anticipatory bail to the first petitioner alone with certain conditions:

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6. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Trichy on condition that the first 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 first 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 first petitioner shall appear before the trial Court on summons

[c] the first petitioner shall not tamper with evidence or witness either during



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investigation or trial.

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[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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.

7. Since previous case is pending against the second petitioner, this petition stands dismissed as against second petitioner

sd/-
10/10/2023

/ TRUE COPY /

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

AAV



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-14992[I] dated 11/10/2023)

ORDER
IN

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Date :10/10/2023

SS/DD/13/10/2023/6P/6C

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