



CRL OP(MD) No.94 of 2024

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.94 of 2024

SURIYA

... PETITIONER/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY CITY.
CR.NO.2892/2023

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.SATHYA CHIDAMBARAM.S Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CR.NO.2892/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 379 of IPC r/w Section 21(2) of the
Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.2892 of



2023, seeks anticipatory bail.

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2.The case of the prosecution is that on 05.12.2023, when the respondent police were in routine patrol duty near at Ponnurangam Oil Mill, they intercepted a Bolero Pickup Vehicle. On seeing the police party, the driver of the vehicle, fled away from the scene of occurrence. Thereafter, on searching, they found illegal possession of 1 gunny bag of river sand. Hence, the Law Enforcing Authority, registered a case against the accused.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, they prayed for the anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused has illegally transported 1 gunny bag of river sand. However, he fairly conceded that no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the no previous antecedent is reported against the petitioner and, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the 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 of receipt of



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a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Srirangam, Trichy District, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;
- (b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;
- (c) the petitioner shall report before the respondent police as and when required for interrogation;
- (d) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (e) the petitioner shall not abscond either during investigation or trial;
- (f) 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



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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 in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY CITY.

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

<https://www.hmc.tn.gov.in/judis>



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+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-326[I] dated
08/01/2024)

ORDER
IN
CRL OP(MD) No.94 of 2024
Date :05/01/2024

SA/DD/SAR. /10.01.2024/5P/6C

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