



CRL OP(MD) No.1031 of 2024

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

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1031 of 2024

1 PREMKUMAR

2 VALIYAN ALIAS CHINNATHAMBI

3 KRISHNAN @ BALAKRISHNAN ... PETITIONERS / ACCUSED Nos.4 TO 6

Vs

THE INSPECTOR OF POLICE
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.
(IN CRIME NO.9 OF 2024)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAJESH.K Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 9 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A4 to A6, who apprehend arrest at the hands of the



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respondent police for the alleged offence under Section 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.9 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were involved in illegal transportation 4 units of gravel sand. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, is ready to deposit a sum of Rs.20,000/- to the High Court Environmental Committee and hence, he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant anticipatory bail stating that the petitioners and other accused were involved in illegal transportation of 4 units of gravel sand.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready and willing to deposit a sum of Rs.20,000/- to the High Court Environmental Committee, this court is inclined to grant anticipatory bail to the petitioners with certain 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 of receipt



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of a copy of this order, before the learned **Judicial Magistrate Court No.V, Trichy**, 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 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 petitioners 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 petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c)the sureties shall affix their 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 their identity;



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(d)the petitioners shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, as and when required for interrogation;

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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]*; and;

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

sd/-
23/01/2024

/ TRUE COPY /

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

DSS



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TO

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

COPY TO:
THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.RAJESH, Advocate (SR-1043[I] dated 24/01/2024)

ORDER
IN

CRL OP(MD) No.1031 of 2024

Date :23/01/2024

SS/JGB/SAR- /30/01/2024/5P/7C

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