



CRL OP(MD) No.2189 of 2024

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2189 of 2024

1 A.MADURAI DURAI
2 R.VIVEK

... PETITIONERS/ACCUSED NOS.2 & 3

Vs

THE INSPECTOR OF POLICE
MELAVALAVU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.21/2024)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.E.PRADEEPRAJ, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.21/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.2 and 3, who apprehend arrest at the hands of
the respondent police for the alleged offence punishable under 379 of I.P.C. r/w
Section 21 (5) of Mines and Minerals (Development and Regulation) Act, 1957 in
Crime No 21 of 2024 on the file of the respondent Police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners have illegally transported three units of karambai sand. Hence, the complaint.

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 would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the Environmental Committee and hence, they pray for anticipatory bail.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of a copy of this order, before the learned Judicial Magistrate, Melur on condition that the petitioners 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 and on further condition that:



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(a).as per the undertaking given by the petitioner, the petitioners shall make a non refundable deposit 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;

(b).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;

(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;

(d).the petitioners shall report before the respondent police 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



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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/-
13/02/2024

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, MELAVALAVU POLICE STATION,
MADURAI 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.



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+1 CC to M/s.E.PRADEEPRAJ, Advocate (SR-1744[I] dated 13/02/2024)

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ORDER

IN

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Date :13/02/2024

RS/VR/SAR-(16.02.2024) 5P 7C

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