



CRL OP(MD). No.6934 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.6934 of 2024

Karthickeyan alias Karthick

... Petitioner/ Accused No.2

Vs

The State Represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.249 of 2024).

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in crime No.249 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner / A2, who apprehends arrest at the hands of the respondent Police



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for the alleged offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.249 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported 1/2 unit of river sand by using a TATA ACE bearing Reg.No.TN-48-H-8740. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights before the trial Court, is ready to pay a sum of Rs.3,000/- to the Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai and hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposes for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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



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of a copy of this order, before the **Judicial Magistrate Court No.2, Kulithalai**, on condition that the 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 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)as per the undertaking given by the petitioner, the petitioner shall deposit a sum of **Rs.3000/-(Rupees Three Thousand only)** as non refundable deposit by way of Demand Draft to the Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner 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 petitioner in accordance with 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;

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

sd/-
29/05/2024

/ TRUE COPY /

/06/2024
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.2
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6934 of 2024
Date :29/05/2024

SS/JGB/SAR- /04/06/2024/5P/6C

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