



CRL OP(MD)No.7319 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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1.Manikandan

2.Vijayakumar

... Petitioners/ Accused
Rank Not Known

Vs

The Inspector of Police,
Thogamalai Police Station,
Karur District.
Crime No.127 of 2024

... Respondent/Complainant

For Petitioners : Mr.G.Karuppasamy Pandiyan, Advocate
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.127 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-



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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 430, 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.127 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons illegally transported one unit of gravel sand. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there is no previous case pending as against the petitioners.

5.Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case pending as against the petitioners, 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 of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall make a non refundable deposit of Rs.3,000/- (Rupees Three Thousand only) each to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and produce the acknowledgment at the time of executing bond

[c]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g]If the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
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/05/2024

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

gns
TO

1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, THOGAMALAI POLICE STATION,
KARUR DISTRICT.

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

COPY TO

THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
KARUR DISTRICT.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-5505[I] dated
16/05/2024)



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ORDER

IN

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Date :15/05/2024

RS/VR/SAR-(21.05.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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