



CRL OP(MD)No.7334 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

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1.Ramkumar
2.Ajithkumar

... Petitioners/ Accused No.2 & 3

Vs

State rep. By
The Inspector of Police,
Woraiyur Police Station,
Trichy District.
(in Crime No.90 of 2024)

... Respondent/Complainant

For Petitioners : Mr.R.Alagumani, Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.90 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for



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the offences punishable under Sections 379 IPC and 21(1) of Mines and Mineral (Development and Regulations) Act in Crime No.90 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners with other accused have illegally transported four bags of river 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 and a false case has been foisted against them, hence they seek anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have illegally transported four bags of river sand, hence he objected to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 Court No.IV, Trichy, 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 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.2,000/- (Rupees Two Thousand only), each to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai in Indian Bank, Madras High Court Madurai Bench Branch, Account No.496039124 IFSC No.IDIB000H040, without prejudice to their contentions and rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;

[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.



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

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

sd/-
24/05/2024

/ TRUE COPY /

/05/2024

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

TA
TO

1 THE JUDICIAL MAGISTRATE NO.IV
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.



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3 THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION, TRICHY DISTRICT.

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

COPY TO:

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-5862[I] dated 24/05/2024)

ORDER
IN

CRL OP(MD) No.7334 of 2024

Date :24/05/2024

SS/GS/SAR- /29/05/2024/5P/7C

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