



CRL OP(MD). No.7930 of 2024

WEB COPY 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.7930 of 2024

1. Balamurugan

2. Muthukumar

... Petitioners/ Accused No.3 & 4

Vs

The State represented by  
The Inspector of Police,  
Manikandam Police Station,  
Trichy.  
(Crime No.79 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.R.Sakthivel, Advocate

For Respondent : Mr.A.Albert James,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.79 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C and section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.212 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused have illegally transported river sand. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them, hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that no previous case is pending against the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending 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 on which the order copy made ready, before the learned Judicial Magistrate No.IV, Trichy District on condition that the petitioners shall execute a bond for a sum of



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Manolaya, 4/133/4, Chardep Nagar Atchankulam, Potrayadi P.O. Kanyakumari District - 629 703 (Account No:025302000000284, IFSC Code:- IOBA0000253, Indian Overseas Bank, Kottaram Branch 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;

(d)the petitioners shall not tamper with 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



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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;

(g)if the accused/petitioner 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.

JGB

To

- 1.The Judicial Magistrate No.IV,  
Trichy District.
- 2.Do through the Chief Judicial Magistrate,  
Trichy District.
- 3.The Inspector of Police,  
Manikandam Police Station,  
Trichy.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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Copy to:

The Officer Incharge,  
Manolaya,  
4/133/4, Chardep Nagar,  
Atchankulam,  
Potrayadi PO,  
Kanyakumari District-629703.

+1 CC to M/s.R.SAKTHIVEL, Advocate ( SR-5944[I] dated 29/05/2024 )

ORDER  
IN  
CRL OP(MD) No.7930 of 2024  
Date :29/05/2024

ED/ JGB /SAR- (03/06/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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