



CRL OP(MD). No.9903 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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1. Arumugam @ Ambalam,

2. Thangaraj @ Gutlu,

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District,
Crime No.191/2024.

... Respondent/Complainant

For Petitioner : Mr.Senthil Murugan C.Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.191/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.191 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported 1/4 unit of gravel sand worth about Rs.6,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have transported 1/4 unit of gravel sand illegally and the investigation in this case is not yet completed. He further submitted that totally four accused in this case. A3 and A4 were arrested and released on bail. The first petitioner is having five previous cases and the second petitioner is having six previous cases. Hence, he strongly opposed to grant anticipatory bail.



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5.Considering the facts and circumstances of the case and also considering the nature of the offence and the co-accused were release on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of the Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Ramanathapuram.

7.On production of such receipt, 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, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees 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 Aadhar card or Bank pass Book to ensure their identity;



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(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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 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;

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

sd/-
05/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO
1 THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM.

<https://www.mhc.tn.gov.in/judis>



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE
INDIAN ASSOCIATION FOR THE BLIND,
ALAGAR KOVIL ROAD,
SUNDARRAJANPATTI, MADURAI

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-7513[I] dated 05/07/2024)

ORDER
IN
CRL OP(MD) No.9903 of 2024
Date :05/07/2024

PKP/GS/SAR /19.07.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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