



CRL OP(MD). No.9881 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

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

CRL OP(MD). No.9881 of 2024

1. Periyasamy,

2. Marimuthu,

... Petitioners/ Accused Nos.7 & 9

Vs

The Inspector of Police,
Manikandam Police Station,
Trichy District.
Cr.No.102/2024.

... Respondent/ Complainant

For Petitioner : Mr.Sathyachidambaram.S,
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.102/2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

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The petitioners/ A7 & A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.102 of 2024, seek anticipatory bail.

2.The case of the prosecution is that on 29.06.2024, the petitioners have illegally transported 3/4 unit of river sand. 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 3/4 unit of river sand illegally and the first petitioner has one previous case and the second petitioner has three previous cases for similar offence. The investigation in this case is not yet completed. 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 alleged, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.IV, Trichy.

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.IV, Trichy, 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



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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

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/07/2024

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

Rmk



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TO
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- 1.THE JUDICIAL MAGISTRATE NO.IV, TRICHY,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMISTRESS, PANCHAYAT UNION PRIMARY SCHOOL,
MADURAI EAST,
OTHAKKADAI,
MADURAI.

ORDER
IN
CRL OP(MD) No.9881 of 2024
Date :05/07/2024

RK/JGB (16/07/2024) 5P / 6C

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