



CRL OP(MD). No.10082 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

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

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1. Vijayan
2. Muthusamy

... petitioners/ Accused No.1,2

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Cr No.305/2024..

... Respondent/Complainant

For petitioners : M/s.Senthilkumar.R,
Advocate.

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

PRAYER :- For Anticipatory Bail in Cr No.305/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C and Section 21(1) of Mines



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and Minerals (Development and Regulation Act), 1957, in Cr.No.305 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioners and other accused have illegally transported $\frac{1}{2}$ unit of river sand, worth about Rs.5,000/-. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that first petitioner is having 5 previous cases and the second petitioner is not having any previous case and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

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



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6. Accordingly, this Petition is allowed and the petitioners shall pay a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of the Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai-625023 (Account No:- 496039124, IFSC Code:-IDIB000H040), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Manamadurai.

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, Manamadurai, 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;

(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;



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(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/-
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/07/2024

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

LS

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.



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3. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO

THE OFFICER IN CHARGE,
MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI - 625023

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-7657[I] dated 09/07/2024)

ORDER
IN

CRL OP(MD) No.10082 of 2024
Date :08/07/2024

RK/GS (18/07/2024) 5P / 7C

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