



CRL OP(MD). No.10786 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

CRL OP(MD). No.10786 of 2024

1. Rajadurai,

2. Mahendran,

3. Madhan Kumar,

... Petitioners/ Accused(Rank not known)

Vs

The Inspector of Police,
Kollidam Police Station,
Trichy District.

Crime No. 145/2024..

... Respondent/Complainant

For Petitioner : Mr.N. Balasubramanian,
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. 145 of 2024 on the file of the Respondent police.



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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 303(2) of BNS r/w. Section 21(1) of MMDR Act, in Cr.No.145 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and their names have been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the property has been recovered. He would further submit that investigation of the case is pending and hence, strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the



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fact that the property has been recovered, 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 District Munsif Cum Judicial Magistrate, Srirengam, Trichy District 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) each to the M/s. Anbagam, DRO Colony, Madurai-7, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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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(c)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;

(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 Court is entitled to take appropriate action against the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/07/2024

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

TRP



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TO
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- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIRENGAM, TRICHY DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ANBAGAM, DRO COLONY, MADURAI- 7.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-8402[I] dated 23/07/2024)

ORDER
IN
CRL OP(MD) No.10786 of 2024
Date :19/07/2024

SS/GS/SAR- /30/07/2024/5P/7C

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