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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8279 of 2020

Arun ... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.147/2019. ... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.147 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused Rank Not Known, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(4) of Mines and Minerals (Regulation and Development) Act 1957, in Crime No.147 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported two units of river sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the driver of the Tipper lorry and he has not committed any offence as alleged by the prosecution and he is not having any bad antecedent.

4.The learned Government Advocate (Crl. side) appearing for the State submitted that the total quantity of sand involved is two units and the same was recovered by the respondent police.

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5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 condition that:

(a)the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

(b)the petitioner 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;

(c)the petitioner shall report before the respondent police as and when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

sd/-
07/08/2020

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/08/2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADRAS HIGH COURT MADURAI BENCH, MADURAI.

ORDER
IN
CRL OP(MD) No.8279 of 2020
Date :07/08/2020

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