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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.7580 of 2021

Abimanyu

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.
Crime No.41 of 2021..

... Respondent/Complainant

For Petitioner : Mr.Kottaichamy P,
Advocate.

For Respondent : Mr.K. Sanjai Gandhi,
Government Advocate (Crl.Side)

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

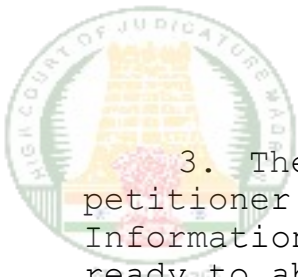
PRAYER :-

For Anticipatory Bail in Crime No.41 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.41 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner said to have illegally transported 25 gunny bags river sand. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged in the First Information Report. He would further submit that the petitioner is ready to abide by any conditions.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, submitted that there is one previous case pending against the petitioner and this is a second petition seeking anticipatory bail and the earlier petition was dismissed on 05.05.2021.

5. Considering the facts and circumstances of the case and one previous case is pending against the petitioner though first anticipatory bail petition dismissed, till now he was not arrested by the respondent police and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kamuthi, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition that:

[a] 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;

[b] the petitioner is directed to deposit a sum of Rs.10,000/- **(Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Kamuthi.

[c] the petitioner shall report before the respondent police on every Monday at 10.30 a.m., until further orders;

[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]**;

[g] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
10/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.

TO

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

COPY TO:-

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

+ 1 CC TO Mr.P.KOTTAICHAMY, ADVOCATE IN SR No. 3921

ORDER
IN
CRL OP(MD) No.7580 of 2021
Date :10/06/2021