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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2021

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.7559 of 2021

Selladurai ... Petitioner/Accused

Vs

The State rep. by
The Inspector of Police,
Bazzar Police Station,
Ramanathapuram District.
Crime No. 579 of 2020. ... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.579 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C. r/w. Section 21(4) of Mines and Minerals(Development and Regulation) Act, 1957, in Crime No.579 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The learned Government Advocate(Criminal Side) submitted that the petitioner is having one previous case.

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4.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned I Additional Sessions Judge (Specially for Mines and Minerals Act), Ramanathapuram District/Judicial Magistrate No.I, Ramanathapuram District and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police as and when required for interrogation;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/06/2021

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/ /2021

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 I ADDITIONAL SESSIONS JUDGE
   (SPECIALLY FOR MINE AND MINERALS ACT)/
   JUDICIAL MAGISTRATE NO.I,
   RAMANATHAPURAM DISTRICT.

2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
   RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
   BAZZAR POLICE STATION,
   RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.7559 of 2021
Date :10/06/2021

PMU
SRS/JC/SAR-I/15.06.2021/3P/5C

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