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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.15959 of 2021

Lakshmi

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.238/2019).

... Respondent/Complainant

For Petitioner : M/s.Kannan K, Advocate.

For Respondent : M/s.M.Muthu Manickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.238/2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.238 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported one unit of river sand. Hence, the present case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated



in this case. However, to show her bonafide, the petitioner has come forward to pay a sum of Rs.10,000/-.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the the petitioner had transported one unit of river sand illegally. He further submitted that there is no previous case pending against the petitioner.

5.Considering the nature of mineral involved, the antecedents of the petitioner and her willingness to pay a sum of Rs.10,000/-, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/-(Rupees Ten Thousand Only)to the credit of the Headmaster, Government Higher Secondary School, Kottanathuampatti, Melur Tk, Madurai District (Account No.3664101000207, Canara Bank, Kottanathuampatti Branch, IFSC Code: CNRB0003664), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Thiruvaiyaru.

6.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 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]**.



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

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Sd/-
12/10/2021

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
KOTTANATHUAMPATTI, MELUR TALUK,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.15959 of 2021
Date :12/10/2021