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CRL OP(MD)No.16908 of 2021

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

Date : 01.11.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.16908 of 2021

Murugaiyan

... Petitioner/Accused Rank Not Known

Vs

The State represented by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.655 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.655 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest for the offence punishable under under Section 379 IPC and Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.655 of 2021 on the file of the respondent Police seeks anticipatory bail.

2.The prosecution case is that the petitioner has illegally transported 5 units of M-sand. Hence the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.

4.Learned Government Advocate (Crl Side) appearing for the respondent submitted that the petitioner has transported five units of M-sand and the petitioner has not involved in any other offence.

5.Considering the nature of mineral and the antecedent of the

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petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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 No.2, Thanjavur 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 learned 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 as and when required.

[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]**.

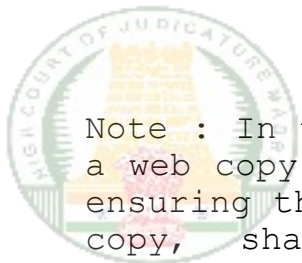
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/11/2021

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

dsk



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 JUDICIAL MAGISTRATE NO-II,
THANJAVUR.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16908 of 2021
Date : 01/11/2021

RK/PN/SAR-III (11/11/2021) 3P 5C