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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3132 of 2022

Balakrishnan ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Malaiyur Police Station,
Malaiyur,
Pudukkottai District.
(Cr.No. 15 of 2022). ... Respondent/Complainant

For Petitioner : Mr.K.C.Maniyarasu, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Criminal Side)

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

PRAYER :-
For Anticipatory bail in Crime No.15 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.15 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused have illegally transported 1/4 unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner and the other accused have transported 1/4 unit of river sand illegally.

5.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the credit of the District Mineral Foundation Trust, Pudukkottai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Alangudi.

7.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, Alangudi,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 a.m., for a period of one month 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].**

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

sd/-
14/02/2022

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/ /2022

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

das

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,
ALANGUDI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
MALAIYUR POLICE STATION, MALAIYUR,
PUDUKKOTTAI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT.

ORDER
IN
CRL OP(MD) No.3132 of 2022
Date :14/02/2022

PKP/VR/SAR-4/21.02.2022/3P/6C

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