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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7884 of 2022

Gilbert ... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.222 of 2022) ... Respondent/Complainant

For Petitioner : Mr.B.Anandan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.222 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.222 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.04.2022, the petitioner along with other accused have illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is 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 has transported ½ unit of river sand illegally. He would further submit that the petitioner is having two previous cases, but not in similar nature.

5.Considering the above and also 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 deposit a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)** to the credit of the District Mineral Foundation Trust, Thanjavur District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Pattukkottai.

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, Pattukkottai, 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 the 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/-
27/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
   PATTUKKOTTAI.

2. -DO- THROUGH
   THE CHIEF JUDICIAL MAGISTRATE,
   THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE OFFICER INCHARGE,
   THE DISTRICT MINERAL FOUNDATION TRUST,
   THANJAVUR DISTRICT.

4. THE INSPECTOR OF POLICE,
   ADIRAMPATTINAM POLICE STATION,
   THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.7884 of 2022
Date :27/04/2022

SP/JM/SAR IV/02/05/2022/3P/6C

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