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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10874 of 2022

Saivathurai,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime.No.354/2021.

... Respondent/Complainant

For Petitioner : MR.M.S.Jeyakarthik, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.354 of 2021 on the file of the Respondent police.

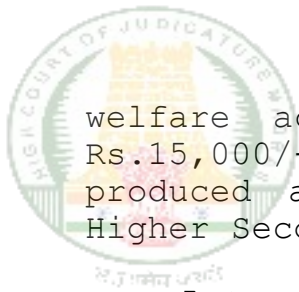
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.354 of 2021, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner illegally transported sand by using his lorry. Hence, the complaint.

4. The learned counsel appearing for the petitioner submits that this is the second application filed for anticipatory bail. Earlier application filed by the petitioner was dismissed by this Court, on the ground that this petitioner is having four previous cases pending against him. The learned counsel further submits that the petitioner is a public spirited person and he is doing social



welfare activities and even now, he has donated Boobh Rs.15,000/- to the Muslim Higher Secondary School, Abiramam and also produced an acknowledgment received from the Headmaster, Muslim Higher Secondary School, Abiramam.

5. Considering the submission made by the learned counsel for the petitioner and also taking into consideration of the attitude of the 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 Judicial Magistrate Court, Kamuthi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, 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., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/07/2022

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/07/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

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

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

COPY TO

THE HEADMASTER,
MUSLIM HIGHER SECONDARY SCHOOL,
ABIRAMAM.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-6762[I] dated 07/07/2022)

ORDER

IN

CRL OP(MD) No.10874 of 2022

Date : 06/07/2022

vrn

PKP/JM/SAR-1/13.07.2022/3P/7C