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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.13066 of 2022

K.Malaiyandi,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
Crime.No. 180/2022.

... Respondent/Complainant

For Petitioner : Mr.K.G.Arunkumar,Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

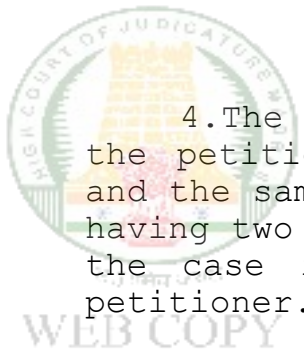
For Anticipatory Bail in Crime No.180 of 2022 on the file of the Respondent police.

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 and 420 IPC r/w. 21(1) of Tamil Nadu Mines and Minerals (Development and Regulations) Act, 1957 in Cr.No.180 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have transported 15 units of sand from his own land without valid licence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has taken a sand only from his own land without knowing the procedure and he is innocent and his name has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit at the petitioner has transported a sand illegally worth Rs.60,000/- and the same has been recovered. He would further submit that he is having two previous cases in similar nature and the investigation of the case is pending and strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, Pudukkottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Siddha Medical Officer CCRIPKM (Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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 Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/09/2022

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/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRIPKM, PERIYAKULAM.

ORDER
IN
CRL OP(MD) No.13066 of 2022
Date :27/09/2022

PKP/GB/SAR /10.10.2022/3P/6C