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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16330 of 2022

Karunanithi

... Petitioner/Accused No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
Crime No.589 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Prithiviraj P.R., Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.589 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 , in Crime No.589 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons had illegally transported 1 unit of river sand by using vehicle. Therefore, the present case came to be registered.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case. The co-accused was already enlarged on bail by the lower Court. However, to show his *bona fide*, the petitioner has come forward to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.589 of 2022 before the trial Court concerned.



4. On the side of prosecution, it is stated that the petitioner has transported sand illegally. He further submitted that there is no previous case pending against the petitioner herein.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.589 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, 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 No.II, Kumbakonam, 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 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;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;



(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
12/09/2022

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

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TO

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

+1. CC to M/S.PRITHIVIRAJ P.R. Advocate SR.No.44406

ORDER
IN
CRL OP(MD) No.16330 of 2022
Date :12/09/2022

RK/VRS/SAR-1(16/09/2022) 3P/6C