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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.16444 of 2022

Manoharan

...Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
(in Crime No.1349 of 2022).

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1349 of 2022 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.1349 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported 1/2 unit of river sand in a bullock carts. Hence the complaint.

3.On the side of the petitioner it is stated that the petitioner has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.



4. On the side of the respondent it is stated that there is no previous case against petitioner and he has been transported 1/2 unit of river sand in bullock carts.

5. Considering the submissions made by both sides, considering the fact that the petitioner is not having any previous case and considering the nature of the case, this Court is inclined to release the petitioner on anticipatory bail on the following conditions:

6. Accordingly, this petition is allowed and on condition that the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the credit of Crime No.1349 of 2022 before the learned Judicial Magistrate No.I, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, 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 No.I, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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., for a period of two weeks 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 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 petitioners 2 and 4 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
15/09/2022

/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16444 of 2022
Date :15/09/2022

SP/SVR/SAR I/21/09/2022/3P/5C