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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

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

CRL OP(MD) . No.16881 of 2022

Vigneshwar

... Petitioner/ Sole Accused

Vs

State rep.by
The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.
(Crime No.7 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Poornachandran.S, 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.7 of 2021 on the file of the respondent Police.

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 Section 379 of IPC r/w Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act, in Crime No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported ¼ unit of river sand without any valid permit. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner shall abide any condition imposed by this Court.

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4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner has transported ¼ unit of river sand illegally. He would further submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,000/- (Rupees One Thousand only) **to the credit of Annai Sathya Ammaiyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809,** without prejudice to his rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate, Aranthaangi.

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, Aranthaangi, 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
20/09/2022

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

cp

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,
ARANTHANGI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AVUDAIYARKOIL POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE, ANNAI SATHYA
AMMAIYAR MEMORIAL GOVERNMENT HOME FOR
DESTITUTE CHILDREN, DR.THANGARAJ COLONY,
K.K.NAGAR, MADURAI-625 020.

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.10253

ORDER
IN
CRL OP(MD) No.16881 of 2022
Date :20/09/2022

SP/GB/SAR II/30/09/2022/3P/7C

<https://www.mhc.tn.gov.in/judis>