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

Date : 22/09/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD) . No.17024 of 2022

Murugan

... Petitioner/Accused No.2

Vs

The State Rep. By,  
The Sub Inspector of Police,  
Sakkottai Police Station,  
Sivagangai District.  
Crime No.148 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Palaniyandi Na.,  
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.148 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.148 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 4 ½ units of savudu sand.

3.On the side of the petitioner, it is stated that the earlier bail petition was dismissed by this Court on the ground that there was a previous case against the petitioner, whereas, there is no such previous case against the petitioner and that the petitioner is innocent and prayed the petitioner to be released on anticipatory bail.



4. On the side of the prosecution, it is stated that the petitioner and other accused have illegally transported 4 ½ units of savudu sand worth about Rs.59,000/-. It is further stated that the petitioner is not having previous case. But, in the earlier petition, it was mistakenly represented that there was a previous case.

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5. Considering the nature of the offence alleged and on considering the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, this petition is allowed and this Court directs the petitioner to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of Crime No.148 of 2022, before the Principal District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Principal District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District, within a period of fifteen days from the date of receipt of a copy of this order, 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;

(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 FIR can be registered under Section 229-A IPC.

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

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 PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,  
SAKKOTTAI POLICE STATION,  
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.PALANIYANDI NA., Advocate ( SR-10404[I] dated 22/09/2022 )

ORDER  
IN  
CRL OP(MD) No.17024 of 2022  
Date :22/09/2022

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