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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/09/2022

PRESENT

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

CRL OP(MD). No.17447 of 2022

Indrani @ Indirani

... Petitioner/1<sup>st</sup> Accused

Vs

State rep.by  
The Inspector of Police,  
Guzhilamparai Police Station,  
Dindigul District.

**(\*) (Crime No.732/2021).**

... Respondent/Complainant

For Petitioner : M/s.Rajasekar.N, 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.732/2021** on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in **(\*)Crime No.732/2021**, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 15 tonnes of Lime stone. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this

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case. However, the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and other accused have transported 15 tonnes of Lime Stone and the petitioner is having two previous cases, which are similar in nature and investigation in this case is pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

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.3,000/- (Rupees Three Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040], without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court, Vedasandur.

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 Court, Vedasandur, 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 Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioner shall not tamper with 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 were imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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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Sd/-

29/09/2022

**(\*) Amended as per order of this Court dated 04.11.2022 in Crl.MP(MD)No.13264 of 2022 in Crl.OP(MD)No.17447 of 2022.**

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/11/2022

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

SJI

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

**TO BE SUBSTITUTED WITH THE ORDER DATED 29/09/2022 ALREADY DESPATCHED**

1. THE JUDICIAL MAGISTRATE,  
VEDASANDUR.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,  
GUZILAMPARAI POLICE STATION,  
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE OFFICER INCHARGE, ADVOCATES WELFARE FUND,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17447 of 2022

Date : 29/09/2022

SP/SVR/SAR I/11/10/2022/3P/7C

trp

PKP/BUC/SAR-3/10.11.2022/3P/6C

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