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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17831 of 2022

Gajendran

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.1396 of 2020).

... Respondent/Complainant

For Petitioner : M/s. Krishnasamy P, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.1396 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.1396 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused had illegally transported $\frac{1}{4}$ unit of river sand, without any valid permit. Hence, the complaint.



3. On the side of petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner shall abide any condition imposed by this Court.

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4. On the side of prosecution, it is stated that the accused is not having any previous case at his credit and hence, strongly opposed to grant anticipatory bail.

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

6. Accordingly, the petitioner shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Advocate Clerk Welfare Association, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

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 Judicial Magistrate, Thiruvaiyaru, 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 the respondent police 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
06/10/2022

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, ADVOCATE CLEARAK
WELFARE ASSOCIATION, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

+1. CC to M/S. KRISHNASAMY P Advocate SR.No.10963

ORDER
IN
CRL OP(MD) No.17831 of 2022
Date :06/10/2022