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CRL OP(MD). N



22

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

Date : 07/10/2022

PRESENT

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

CRL OP(MD). No.17975 of 2022

M.Balasubramanian @ Balasubramaniyan

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
Cr. No. 172/2022.

... Respondent/Complainant

For Petitioner : Mr.M.Suresh
Advocate.

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 172 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.172 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported ¼ unit of river sand in the bullock cart without a valid permit. Hence, the complaint.

<https://www.mca.gov.in/>



3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. The earlier application filed by the petitioner along with other co-accused in Crl.O.P.(MD)No.15870 of 2022, was dismissed in respect of the petitioner on 14.09.2022. He further submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having one previous case.

5.Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 District Munsif-cum-Judicial Magistrate, Alangudi, Pudukkottai District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

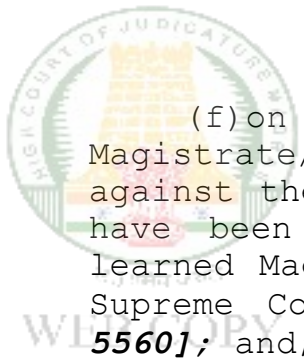
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall pay a sum of **Rs.5,000- (Rupees Five Thousand only)** to the credit of **Aishwaryam Trust (Account No:- 6639017788, IFSC Code:- IDIB000T032, Indian Bank, Thirunagar Branch, Madurai)**, within a period of two weeks without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

(c) the petitioner shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.**, for a period of four weeks, and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;



(f) on breach of any of the aforesaid conditions, the 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;

(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

vsm

TO

1. The District Munsif-cum-Judicial Magistrate,
Alangudi, Pudukkottai District.
2. -do-Through The Chief Judicial Magistrate,
Pudukkottai District.
3. The Inspector of Police,
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Officer In-Charge,
Aishwaryam Trust,
Thirunagar Branch, Madurai.

ORDER

IN

CRL OP(MD) No.17975 of 2022

Date : 07/10/2022

RD/TR(11/10/2022) 3P 6C