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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP(MD). Nos.18252, 18258 and 18260 of 2022

Viveganantham

... Petitioner/Accused No.2
in CRL OP(MD). No.18252 of 2022

1 Sakthivel

2 Anthonysamy

... Petitioners/Accused No.4 & 5
in CRL OP(MD). No.18258 of 2022

Govindharasu

... Petitioner/Accused No.3
in CRL OP(MD). No.18260 of 2022

Vs

State Rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Cr.No.643/2022.

... Respondent/Complainant
in all petitions

In all petitions:-

For Petitioner : M/s.Arunkumar D, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.643/2022 on the file of the
Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend 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.643 of 2022, seek anticipatory
bail.

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



2.The case of the prosecution is that the petitioners (A1 to A5) are accused have illegally transported ¼ units of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners and other accused have transported ¼ units of river sand illegally. He would further submit that A2 is having no previous case and A3 to A5 are having one previous case for similar offence. The investigation in this case is still pending. Hence, he strongly opposed to grant anticipatory bail.

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 petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.500/- (Rupees Five Hundred only) each to the Anbagam, Race Course Road, K.Pudur, Madurai 600 007**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Peravurani, Thanjavur District.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peravurani, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, PERAVURANI, THANJAVUR DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE, ANBAGAM, RACE COURSE ROAD, K.PUDUR,
MADURAI 600 007.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) Nos.18252, 18258 & 18260 of 2022

Date :13/10/2022

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RS/SBN/SAR.2(19.10.2022) 3P-6C