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

Date : 28/10/2022

PRESENT

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

CRL OP (MD) . No.19136 of 2022

Murugesan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.773/2022).

... Respondent/Complainant

For Petitioner : M/s.Manoj Kumar S, 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.773/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.773 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.10.2022, the accused illegally transported $\frac{1}{4}$ unit of river sand, without any valid permission in the vehicle. Therefore, the present case came to be registered.



3. On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case. He is noway connected to the occurrence. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioner has transported mineral illegally. The petitioner is having one previous case at his credit. In this case, investigation is still pending and hence, opposed to grant anticipatory bail.

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

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Kumbakonam, 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., until further orders;

(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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Sd/-
28/10/2022

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

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

+1. CC to M/S.MANOJ KUMAR S Advocate SR.No.12147

ORDER
IN
CRL OP(MD) No.19136 of 2022
Date :28/10/2022

SP/SSS/SAR I/03/11/2022/3P/6C