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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.01.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.20899 of 2021

Sakthivel

... Petitioner/Sole accused

Vs

State rep.by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime No.754 of 2021)

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

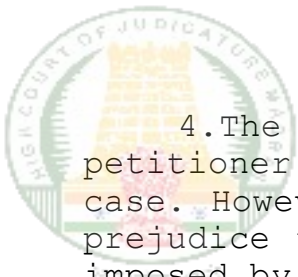
For Anticipatory Bail in Crime No.754 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, 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 in Crime No.754 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.10.2021, the petitioner has illegally transported 1/4 unit of river sand by using Bullock Cart. Hence, the complaint.

3.The earlier petition filed by the petitioner was dismissed as withdrawn by order dated 15.11.2021 in CrI.O.P.(MD)No.17695 of 2021.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

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5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has transported 1/4 unit of river sand illegally. He would further submit that the petitioner is having five previous cases, including three cases for similar offence and the same were disposed of by the Revenue Division Officer (RDO), Pattukkottai convicting the petitioner in the year 2015, 2016 and 2017 respectively.

6.Considering the nature of charges levelled against the petitioner and also considering the fact that the investigation might have been completed by this time and that the petitioner is not having any pending cases for similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the District Mineral Foundation Trust, Thanjavur, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Pattukottai.

8.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 learned Judicial Magistrate, Pattukottai, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., for a period of one month and thereafter, 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
04/01/2022

/ TRUE COPY /

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

CSM

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

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

ORDER
IN
CRL OP(MD) No.20899 of 2021
Date :04/01/2022