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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.19323 of 2022

Karuppasamy ... Petitioner/Accused rank not known
Vs.

State rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.88 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Thalaimutharsau G,
Advocate
For Respondent : Mr.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.88 of 2022 on the file of the Respondent Police.

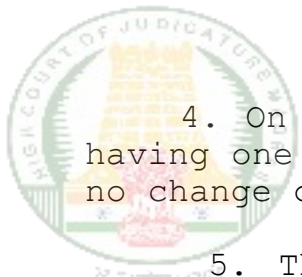
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals Act, in Crime No.88 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.07.2022, the accused persons were found in possession of ½ unit of savadu sand, without any valid permit. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has not committed any such offence, as alleged by the prosecution. Name of the accused was not mentioned in the F.I.R. This is the third petition. Hence, prays to release

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



4. On the side of prosecution, it is stated that petitioner is having one previous case, similar in nature at his credit. There is no change of circumstances and prayed to dismiss the petition.

5. This is the third anticipatory bail application. Though earlier petition was dismissed by this Court on 13.09.2022 itself, the respondent has not taken steps to arrest the petitioner. Major portion of the investigation might have been completed by this time. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain condition.

6. Accordingly, this petition is allowed and this Court directs the petitioner to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.88 of 2022**, before the Judicial Magistrate No.I, Srivilliputhur.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Srivilliputhur, within a period of fifteen days from the date of receipt of a copy of this order, 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, FIR can be registered under Section 229-A IPC.

sd/-

02/11/2022

/ TRUE COPY /

/11/2022

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



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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 NO.I,
SRIVILLIPUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. THALAIMUTHARASU.G. Advocate SR.No.12381

ORDER

IN

CRL OP(MD) No.19323 of 2022

Date :02/11/2022

SS/VR/SAR IV/07/11/2022/ 3P 6C