



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.20029 of 2022

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Manikandan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
Crime No.124 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R.L.,
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.124 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Section 379
IPC and r/w. Section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957 in Cr.No.124 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused have illegally transported $\frac{1}{4}$ unit of river sand by using
bullockart worth about Rs.2,000/- and the same was recovered.
Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution and his name has been falsely implicated
in this case.

4.The learned Government Advocate(Crl.Side) would submit that
the property was recovered and the petitioner herein is having 10
previous cases in similar nature. He would further submit that the
investigation of the case is pending and he strongly opposed to
grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that the property was recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, 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 learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District 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 is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Headmistress, Government High School, Sathiyamoorthy Nagar, Madurai **(Account No:-30641540761, IFSC Code:- SBIN0016503, State Bank of India, Samyanallur, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

(d) the petitioner shall not tamper with 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 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;

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

sd/-

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/11/2022

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



TO

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

COPY TO :

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHIYAMOORTHY NAGAR, MADURAI.

ORDER

IN

CRL OP(MD) No.20029 of 2022

Date :11/11/2022

trp

USK/SSS/SAR-I/02.12.2022/3P/6C