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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

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

CRL OP(MD). No.20192 of 2022

1. Velu @ Velmurugan

2. Arulraj

3. Kumar

4. Ajith

5. Gopi

6. Kani

... Petitioners/Accused No.3 to 6

Vs

The State Rep.by
The Inspector of Police,
Pandhallur Police Station,
Thanjavur District.
Crime No.799 of 2022.

... Respondent/Complainant

For Petitioner : M/s.S.Veerapandi Selvaraj,
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.799 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.799 of 2022, on the file of the

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



respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported two gunny bags of river sand each without any valid permit. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, he would further submit that the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners and other accused have transported each two gunny bags of river sand illegally. He would further submit that the first accused was arrested and thereafter, released on bail and the petitioners 3 and 4 are having one previous case and other petitioners are not having any previous case. Further, investigation in this case is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvidadaimaruthur, 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 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 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



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5560J; and;

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

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

To

1.The Judicial Magistrate,
Thiruvidaimaruthur.

2.-do-Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

3.The Inspector of Police,
Pandhallur Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-13030[I] dated
15/11/2022)

ORDER

IN

CRL OP(MD) No.20192 of 2022

Date :15/11/2022

RD/BUC/SAR-I (23/11/2022) 3P 6C