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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP(MD). No.20398 of 2022

1. Rajeshkannan,

2. Anparasan,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.897/2022).

... 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 :-

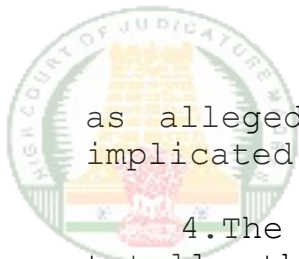
For Anticipatory Bail in Cr No.897/2022 on the file of the respondent police.

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 Sections 379 IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.897 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up the petitioners have illegally transported 1/4 unit of river sand by using Bullockcart. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence



as alleged by the prosecution and their names have been implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that totally three accused involved in this case and the petitioners herein are arrayed as A1 and A2 and the property was recovered. He would further submit that A1 is having two previous cases and A2 is not having any previous case. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, 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 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 No.III, Thanjavur, 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) Each of the petitioners are directed to deposit a sum of **Rs.500/- (Rupees Five Hundred only) to the credit of Madurai Bench of Madras High Court Advocate Clerk's Welfare Association, Madurai - 625023 (Account No:-496039124, IFSC Code:-IDIB000H040)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the co is 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/-

17/11/2022

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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 NO.III
THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE OFFICER INCHARGE
ADVOCATE CLERK WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT ,
MADURAI.

ORDER

IN

CRL OP(MD) No.20398 of 2022

Date :17/11/2022

trp

PKP/BUC/SAR-1/25.11.2022/3P/6C