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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD) . No.20628 of 2022

Kalaiselvan

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No. 8 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian K S,
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. 8 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 Sections 379
of IPC and 21(1) of Mines and Minerals (Development and Regulation)
Act, 1957, Cr.No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused had illegally transported 1/2 unit of river sand
worth about Rs.4,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. He would further submit that already A2 was released on bail.
Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent police would submit that totally 3 accused are involved
in this case. The petitioner was arrayed as A3. The petitioner along



with other accused have illegally transported 1/2 unit of r. and worth about Rs.4,000/-. The co-accused was released on bail. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

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

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, Pattukottai, 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 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]**; and;

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

sd/-

22/11/2022

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



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,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20628 of 2022

Date : 22/11/2022

dss

USK/BUC/SAR-I/29.11.2022/3P/5C