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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20771 of 2022

Kaviyarasan

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.804/2022).

... Respondent/Complainant

For Petitioner : M/s.Hitesh Kumar C,
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.804/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused NO.3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379, 511 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.804 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had attempted to transport river sand by using Vehicle bearing Registration No.TN-51-P-1377. 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 A2 was already granted



anticipatory bail by this Court in Crl.OP(MD)No.20325 of 2010. No previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal 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 and other accused had attempted to transport river sand by using Vehicle bearing Registration No.TN-51-P-1377. He would further submit that A2 was already granted anticipatory bail by this Court and no previous case is pending against the petitioner. However, the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that A2 was already granted anticipatory bail by this Court and no bad antecedent is reported against the petitioner, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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]**.



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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/11/2022

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/ /2022

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

TO

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

+1 CC to M/s.C.HITESH KUMAR, Advocate (SR-13603[I] dated
24/11/2022)

ORDER
IN
CRL OP(MD) No.20771 of 2022
Date :24/11/2022

dss
USK/VR/SAR-I/06.12.2022/3P/6C