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CRL OP(MD). N



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

Date : 01/12/2022

PRESENT

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

CRL OP(MD). No.21216 of 2022

A.Sakthivel, ... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Panayapatti Police Station, Pudukkottai District.
Crime No.192 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Arun Prasad A,
Advocate.

For Respondent : Mr.M. Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.192 of 2021 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. 21(1) of Mines and Minerals Development and Regulations Act
in Cr.No.192 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on receiving secret
information, the respondent police conducted vehicle check up and at
that time the petitioner herein has transported 6 units of stones
illegally worth about Rs.9,000/- by using Tarus Lorry 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
the prosecution and his name has been falsely implicated

<https://www.madras.gov.in/judis>



in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the co-accused have already been released on bail and there is no previous case against the petitioner and the property was recovered. 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 and there is no previous case 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, Pudukkottai 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.5,000/-(Rupees Five 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;

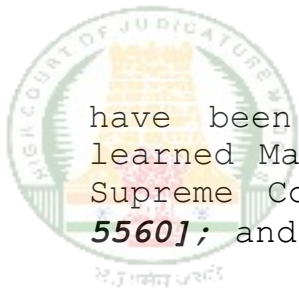
(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., 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 - 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/-
01/12/2022

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Thirumayam, Pudukkottai.
2. The Chief Judicial Magistrate, Pudukkottai.
3. The Inspector of Police,
Panayapatti Police Station, Pudukkottai
District. Crime No.192 of 2021..
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.21216 of 2022
Date : 01/12/2022

TR/SSS/SAR-I(08.12.2022) 3P 6C