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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23310 of 2022

Balasubramaniyan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Mandaiyur Police Station,
Pudukkottai District.
Crime No.78 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Sekar B,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.78 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.78 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.12.2022, the petitioner along with other accused said to have illegally transported 1 unit of sand. 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. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

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



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused said to have illegally transported 1 unit of sand. Hence, he strongly opposed to grant anticipatory bail.

5.At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable Organization or Association.

6.Considering the facts and circumstances of the case and also considering the willingness of the petitioner to deposit some considerable amount to any charitable Organization or Association, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : **SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Keeranur, Pudukottai District.

8.On production of such receipt, 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 Judicial Magistrate, Keeranur, Pudukottai 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 learned Magistrate concerned and on further conditions that:

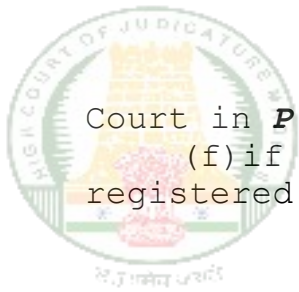
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]**

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

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28/12/2022

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

dss/ias

TO

1. THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
MANDAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM,
PERIYAKULAM.

+1 CC to M/s.B.SEKAR, Advocate (SR-15664[I] dated 28/12/2022)

ORDER
IN
CRL OP(MD) No.23310 of 2022
Date :28/12/2022

RK/VR/SAR-2 (29/12/2022) 3P/7C