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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.23319 of 2022

Iyyappan

... Petitioner/Accused Rank Not known

Vs

State Rep.by

The Inspector of Police,
Pulivalam Police Station,
Trichy District.

(Crime No.153/2022). ... Respondent/Complainant

For Petitioner : Mr. Sathya Chidambaram.S, 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 Cr No.153/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C. r/w. Section 21(1) of Mines and Minerals (development and Regulation) Act, 1957, in Crime No.153 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the Sub Inspector of Police was on routine patrol duty near Chithrapatti Village, they found that accused transported one unit of red sand without valid permission. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is no way connected with the crime and he is an innocent



4. The learned Additional Public Prosecutor submitted that petitioner along with other accused said to have illegally transported 1 unit of red sand and the petitioner is not having any previous case. 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.500/- (Rupees Five Hundred only)** to the credit of **Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC CODE:IDIB000H040 Branch High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned **Judicial Magistrate, Thuraiyur, Trichy District**.

7. On production of such receipt, 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, Thuraiyur, Trichy 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 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]**; and;

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

sd/-

28/12/2022

/ TRUE COPY /

29/12/2022

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

IAS

TO

- 1 THE JUDICIAL MAGISTRATE
THURAIYUR TRICHY DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIVALAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE
ADVOCATES ASSOCIATION (MBHAA)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-15660[I] dated 28/12/2022)

ORDER

IN

CRL OP(MD) No.23319 of 2022

Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/7C

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