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CRL OP(MD).



23

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

Date : 01/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.3958 of 2023

Santhanam ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Viralimalai Police Station.
(Crime No.61/2023). ... Respondent/Complainant

For Petitioner : Mr.B.Micheal Sebastin,
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.61/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.61 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 3 units of gravel sand, without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that the petitioner shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons had transported mineral illegally. The

<https://www.hc.tn.gov.in/judis>



petitioner is not having any bad antecedent. In the investigation is still pending and hence, prays to dismiss the petition.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is ready and willing to deposit Rs.20,000/- to any School and he has given the names of the schools of his choice.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the **Head Mistress, Holy Infant Jesus Middle School, A/c.No.117601000007899 IFSC:IOBA0001176, Indian Overseas Bank, Kesavan Puthenthurai Branch** and also to pay a sum **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the **Alumni Association, St.Mary's High School, Kesavan Puthenthurai, A/c.No.117601000008204, IFSC: IOBA0001176, Indian Overseas Bank, Kesavan Puthenthurai Branch**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Magistrate concerned.

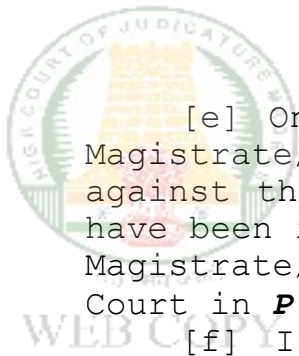
9. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Illuppur, Pudukottai District**, on 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 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 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 everyday at 10.30 a.m., 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 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 229A IPC.

sd/-
01/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate, Iluppur, Pudukottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
Viralimalai Police Station. (Crime No. 61/2023).
4. Head Mistress, Holy Infant Jesus Middle School,
Kesavan Puthenthurai
5. The Officer Incharge,
Alumni Association, St.Mary's High School, Kesavan Puthenthurai,
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.3958 of 2023

Date :01/03/2023

(CO)
KB/vs/s3(08.03.2023) 3P 7C