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CRL OP(MD).



23

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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4434 of 2023

Dominic Thivagar

... Petitioner/Accused No.2

Vs

The state rep. by,
The Inspector of Police,
Ramji Nagar Police Station,
Tiruchirappalli District.
Cr.No.256/2022.

... Respondent/Complainant

For Petitioner : M/s.Silverster Raj.S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 256/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C., and section 21(i) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.256 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have illegally transported one unit of river sand in a tractor. Hence, a case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not any offence as



alleged by the prosecution. Hence, he prayed for () of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that petitioner said to have illegally transported one unit of river sand in a tractor. He would further submit that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending 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 two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Tiruchirapalli 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 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 make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation;

(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 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]

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

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

AAV

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPALLI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI.
3. THE INSPECTOR OF POLICE,
RAMJI NAGAR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST
TIRUCHIRAPPALLI DISTRICT.

+1 CC to M/s.S.SYLVESTER, Advocate (SR-3853[I] dated 09/03/2023)

ORDER
IN

CRL OP(MD) No.4434 of 2023
Date : 08/03/2023

NA/SAR-3/13.03.2023/3P/7C