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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2023

PRESENT

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

CRL OP(MD) . No.7145 of 2023

1. D.Sathishkumar,

2. Palanimanickam, ... Petitioners/Accused Nos.3 & 4

Vs

State Rep.by

The Sub Inspector of Police,

Pandhanallur Police Station,

Thanjavur District.

(Crime No.171/2023).. ... Respondent/Complainant

For Petitioners : M/s.Kirubakaran D, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.171/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under section 379,109 of I.P.C., and section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.171 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have illegally transported ¼ unit of river sand . Hence, a case has been registered.

3. Heard both sides and perused the materials available on <https://www.mca.gov.in/> including the First Information Report.



4. Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

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

AAV

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM
- 3 THE SUB INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

+1 CC to M/s.KIRUBAKARAN.D, Advocate (SR-6075[I] dated 19/04/2023)

ORDER
IN
CRL OP(MD) No.7145 of 2023
Date :18/04/2023

PKP/VR/SAR-4/20.04.2023/ **3P/7C**