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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8659 of 2023

Kubendran

... Petitioner/Accused Rank not known

Vs

State Rep.by
The Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.71 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Senguttuarasan.P., Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.71 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.71 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.04.2023, the petitioner has illegally transported river sand in a Tripper Lorry. Hence, a case has been registered.

3. Heard both sides and perused the materials available on record including the First Information Report.It is reported that the petitioner has no previous case.

<https://www.hc.madras.gov.in/>



4. Considering the facts and circumstances of the case, the fact that the petitioner is having no previous case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 learned Judicial Magistrate, Andipatti, Theni 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 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the credit of **Cancer Institute (WIA), No.38, Sardar Patel Road, Adayar, Chennai - 20** and shall produce the receipt before the concerned Magistrate at the time of executing the bond along with surety affidavit.

(c) the petitioner shall file an undertaking affidavit that he will not indulge in any such offence in future, before the learned Magistrate. On filing of such undertaking affidavit, the concerned Magistrate shall accept the sureties;

(d) the petitioner 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;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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 is 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;



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

sd/-
10/05/2023

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/05/2023

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

MBI

TO

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

COPY TO

THE DEAN
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD,
ADAYAR, CHENNAI - 20

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-7245[I] dated 10/05/2023

ORDER
IN
CRL OP(MD) No.8659 of 2023
Date :10/05/2023

PKP/CG/SAR-2/16.05.2023/ **3P/7C**