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CRL OP(MD).



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

Date : 25/05/2023

PRESENT

The Hon'ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9515 of 2023

1. Ganesan

2. Peramaiyan

... Petitioners/Accused Nos.1&2

Vs

State rep. By its
The Inspector of Police,
Sethubavachathiram Police Station
Thanjavur District
Crime No.133/2023..

... Respondent/Complainant

For Petitioners: M/s.S.Deenadhayalan,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

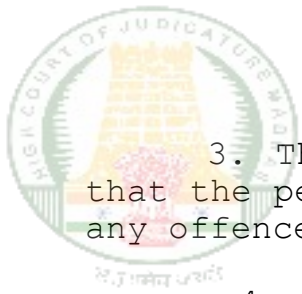
PRAYER :-

For Anticipatory Bail in Crime No.133/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.133 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported ¼ unit of river sand in their Bullock Carts. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (crl.side) submits that investigation is pending.

5. Taking into consideration the facts and submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Peravurani, Thanjavur District and on their executing 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 learned Magistrate concerned and on further conditions that :-

[a] 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.5,000/- (Rupees Five Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District and shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 petitioners are 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/05/2023

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/05/2023

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

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TO

1. THE JUDICIAL MAGISTRATE, PERAVURANI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM 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.S.DEENADHAYALAN, Advocate (SR-7906[I] dated
26/05/2023)

ORDER
IN
CRL OP(MD) No.9515 of 2023
Date :25/05/2023

RK/SAR-(26/05/2023) 3P/7C