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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/05/2023
PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD). No.9550 of 2023

Rajappa,

... Petitioner/Accused 2

Vs

The State rep.by
The Inspector of Police,
Nadukaveri Police Station
Thanjavur District.
Crime No.116 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.116 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd accused, who apprehends 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.116 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused have illegally transported 1/4 unit of river sand in a bullock cart. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (crl.side) submits that there is no previous case pending against the petitioner and that the petitioner.



5. Taking into consideration the facts and submissions by the learned counsels and also the fact that no previous case is pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, and on his executing 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 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 petitioner 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 petitioner 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 petitioner shall not abscond either during investigation or trial.

[e] the petitioner 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 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].

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

sd/-

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



- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
NADUKAVERI 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.

**ORDER
IN**

CRL OP(MD) No.9550 of 2023
Date :24/05/2023

SA/MMS/SAR.3/29.05.2023/3P/6C