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CRL OP(MD).



23

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

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.9980 of 2023

V.Muneeswaran ... Petitioner / Accused rank not known

Vs

State rep by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(in Crime No.197 of 2023) ... Respondent / Complainant

For Petitioner : M/s.Susi Kumar.C, 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.197/2023 on the file of the respondent police.

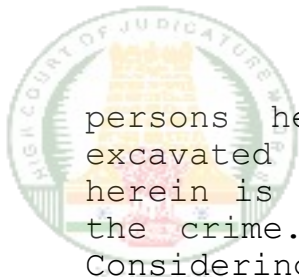
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 379,420 of IPC and section 21(4) of Mines and Minerals(Development and Regulation)Act,1957 in Crime No.197 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein forged the transit pass and excavated river sand for three days. Hence, a case has been registered.

3. Heard both sides and perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/> There are totally four accused in this case. The accused



persons herein fabricated the government transit record and excavated river sand for three days. In so far as the petitioner herein is concerned he also helped the other accused in committing the crime. Further all the other accused were released on bail. Considering all the above facts and circumstances of the 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 Court, Nanguneri 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 for a sum of Rs.25,000/- (**Rupees Twenty Five thousand only**) **to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. Further the petitioner shall also file an undertaking affidavit before the trial Court that he will not indulge in similar type of activities again

(c) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., 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]; and;



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(g)if the accused/petitioner thereafter absconds, a f [R
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,
Nanguneri.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer Incharge,
CMPRF in IOB,
Government of Tamil Nadu,
Secretariat, Chennai-9.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-8477[I] dated 09/06/2023)

ORDER
IN
CRL OP(MD) No.9980 of 2023
Date :08/06/2023

ED/BUC/SAR- (13/06/2023) 3P 7C