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CRL OP(MD). A



23

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

Date : 26/06/2023

PRESENT

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

CRL OP(MD). No.11459 of 2023

CHIDAMBARAM @ KUTTY,

... PETITIONER/ACCUSED NO.1

VS

THE STATE REP.BY
THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.576 OF 2023).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.K.Prabhu,
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. 576 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C., and section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.576 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons have illegally transported five units of river sand, hence the case.

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



4. The learned Additional Public Prosecutor would submit at the petitioner has 32 previous cases which is similar in nature and on his instruction the entire sand mophia is being done.

5. Even according to the case of the prosecution the petitioner has been implicated as an accused only based on the confession given by the co-accused that too they have illegally transported river sand to the tune of four units. It is seen from the First Information Report that the petitioner has been implicated as an accused based on the confession given by the co-accused. Admittedly the petitioner is neither the owner of the lorry nor the driver or cleaner of lorry. Considering all the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Papanasam 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 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; The petitioner shall also file an undertaking affidavit before the respondent police that he will not indulge in similar type of activities again and if the petitioner violates the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

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

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

(e) 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

<https://www.courtsofjudiciary.gov.in/judges> K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-

26/06/2023

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/07/2023

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

AAV

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.

2.DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC TO M/S.K.PRABHU ADVOCATE SR.NO.9619, DT.27.06.2023.

ORDER

IN

CRL OP(MD) No.11459 of 2023

Date :26/06/2023

SI (04.07.2023) 3P/ 6C