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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15577 of 2023

Aasaithambi

... Petitioner/Sole Accused

Vs

State rep. by,
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.53 of 2022.

... Respondent/Complainant

For Petitioner : M/s.K. M.Karunakaran,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the



respondent police for the offences punishable under Sections 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.53 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel for the petitioner would contend that the respondent police has foisted a false case against him and he has not committed any offence as alleged in the First Information Report, hence he seeks anticipatory bail.

3. The learned Additional Public Prosecutor would submit that the petitioner has illegally transported five bags of river sand in a two wheeler, hence he objected to grant anticipatory bail to the petitioner.

4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side and considering the quantum of material and considering the the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order



copy made ready, before the learned District Munsif cum Judicial Magistrate, Thiruvaidaimaruthur 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].



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

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28/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM
 - 3 THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K. M.KARUNAKARAN Advocate SR.No.12890

ORDER
IN
CRL OP(MD) No.15577 of 2023
Date :28/08/2023

SSA/VRS/30.08.2023/4P/6C

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