



CRL OP(MD). No.15693 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15693 of 2023

Kannan

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,

K.Pudupatti Police Station,

Pudukottai District,

Crime No.146/2023.

... Respondent/Complainant

For Petitioner : M/s. Prabhu.S, 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.146/2023 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), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.146 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported ¼ unit of river sand in a bullock cart, hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is



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innocent and the respondent police has foisted a false case against him and he has not committed any offence as alleged in the First Information Report. He would further submit no previous case is pending against the petitioner, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner said to have illegally transported $\frac{1}{4}$ unit of river sand in a tractor. He would further submit that no previous case is pending against the petitioner, however he objected to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the quantum of material and considering the the nature of offence charged against the petitioner and considering other aspects and also considering 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:

7. 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, Thirumayam, Pudukottai District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



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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 Saturday 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.

sd/-
29/08/2023

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



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AAV
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TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUMAYAM,
PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, K.PUDUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.S.PRABHU, Advocate (SR-12962[I] dated 30/08/2023)

ORDER
IN
CRL OP(MD) No.15693 of 2023
Date :29/08/2023

RS/JGB/SAR-(31.08.2023) 4P 6C
Madurai Bench of Madras High Court is issuing
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