



CRL OP(MD)No.15943 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.15943 of 2023

Kokila @ Gohila

... Petitioner/ Accused 4

Vs

The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.331 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.S.M.ANANTHA MURUGAN, Advocate

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.331 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.331 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the accused persons were illegally taken sand from Anjampatty Kanmai by using tractor. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and she has been falsely implicated in this case. She is only owner of the tractor and she is not aware about the illegal mining. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A1 to A3 were illegally taken one unit of sand from Anjampatty kanmai and they were arrested on the spot. The petitioner herein is the owner of the tractor and she is not having any previous cases.

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

6.Considering the rival submissions on either side and considering the quantity of the material and also considering the fact that the petitioner is not having any previous cases, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



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(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 daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required.

[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/-
01/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-13116[I] dated
01/09/2023)

ORDER IN
CRL OP(MD) No.15943 of 2023
Date :01/09/2023

SA/JGB/SAR. /08.09.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.