



CRL OP(MD). No.17486 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17486 of 2023

Gobinath

... Petitioner/1st Accused

Vs

**State Represented by,
The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.428 of 2023).**

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar, Advocate.

**For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.428 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner/1st Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.428 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 29.05.2023, the respondent Police was on patrol duty at Punnamchathiram bus stop. At that time, they intercepted a lorry bearing Registration No.TN 28 BJ 1720 and found that 4 units of river sand transported by the accused illegally and the same was seized by the respondent Police. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and is no way connected with the alleged offences.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner transported 4 units of river sand illegally using lorry. Further, no previous is pending against the petitioner and the second accused was arrested on 04.09.2023.

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



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6. Considering the submissions on either side and also considering that no previous is pending against the petitioner and nature of offences, 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 Judicial Magistrate No.II, Karur, 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 daily at 10.00 am., for the period of 30 days 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.



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[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/-
29/09/2023
/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KARUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.



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3 THE INSPECTOR OF POLICE
VELAYUTHAMPALYAM POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-14523[I] dated 03/10/2023)

ORDER
IN
CRL OP(MD) No.17486 of 2023
Date :29/09/2023

PKP/DD/SAR- /05.10.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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