



CRL OP(MD). No.17529 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.17529 of 2023

S.Arun @ Arunachalam

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.524 of 2023).

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi, 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.524 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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(4) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.524 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.09.2023 at about 14.00 hours, when the respondent Police and his team were on routine ride regarding sand theft near Kabisthalam, Moopanar School, they intercepted a two wheeler bearing Registration



CRL OP(MD). No.17529 of 2023

No.TN 68 B 9133 and found that the second accused transported the river sand in two gunny bags 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. Only on the basis of the confession statement of co-accused, this petitioner has been implicated in this case and no recovery made from this petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner transported the river sand in two gunny bags illegally. Further, no previous is pending against the petitioner.

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

6.Considering the submissions on either side and also considering that no previous is pending against the petitioner and also the quantity of minerals involved, 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, Papanasam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD). No.17529 of 2023

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 Saturday at 10.00 am., for the 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/-
29/09/2023

/ TRUE COPY /

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



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TO



CRL OP(MD). No.17529 of 2023

1 THE JUDICIAL MAGISTRATE, PAPANASAM.

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

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

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

ORDER
IN
CRL OP(MD) No.17529 of 2023
Date :29/09/2023

RS/DD/SAR-(05.10.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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