



CRL OP(MD). No.19857 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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Kaliyamoorthy,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ayyampettai Police Station
Thanjavur District.
Crime No. 372/2023.

... Respondent/Complainant

For Petitioner : M/s Arun Prasad.A, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.372 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

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



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police for the offences punishable under Sections 379 IPC r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.372 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted a vehicle check up at that time, the petitioner herein has illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner herein said to have illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart and the same was recovered and he is not having one previous case. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the property has been recovered and that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to

the following conditions:

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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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thanjavur, 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 conditions that:

[a] the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Siddha Medical Officer CCRIPKM (Account No:- 10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

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



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[f]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 is 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].

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

sd/-
09/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION
THANJAVUR DISTRICT.

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

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM, PERIYAKULAM.

ORDER
IN
CRL OP(MD) No.19857 of 2023
Date :09/11/2023

PKP/JGB/SAR- /15.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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