



CRL OP(MD). No.20173 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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Prakash.R

... Petitioner/ Accused No.15

Vs

The State represented by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
Crime No.286/2023.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.P,
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.286/2023 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 police for the offences punishable under Sections 379 IPC r/w. Section 21(1) of



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Mines and Minerals Act, 1957, in Crime No.286 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that when the respondent police was in patrolling duty, the petitioner herein and other accused have illegally transported additional 2 units of river sand without any valid permission and licence by using Lorry. 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 totally 18 accused involved in this case and the co-accused viz., A1 to A3 have already been arrested and released on bail. He would further submit that the petitioner herein is not having any previous case and the property has also been recovered. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioner.



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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:

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, Trichy, 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 shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;



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[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.

[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



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUCHIRAPPALLI DISTRICT.

ORDER
IN
CRL OP(MD) No.20173 of 2023
Date :09/11/2023

SS/DD/SAR- /15/11/2023/5P/6C

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