



CRL OP(MD) No.1078 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1078 of 2024

V VADIVEL

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
PATTESWARAM POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.522/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/s.M.MARIA VINOLA Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CR.NO.522/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 21(4) of Mines and Minerals
(Development & Regulation) Act, 1957 and 379 of IPC , in Cr.No.522 of 2023, on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal



CRL OP(MD) No.1078 of 2024

transportation 1 ½ units of river sand. Hence, the case.

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3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that no previous case is pending against the petitioner. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the High Court Environmental Committee and hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant anticipatory bail stating that the petitioner and other accused were involved in illegal transportation of 1½ unit of river sand. The investigation is pending. However, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the High Court Environmental Committee and no previous case is pending against the petitioner, this Court may consider this petition.

5.Considering the facts and circumstances of the case and also considering the facts that no previous case is pending against the petitioner and the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the High Court Environmental Committee, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CRL OP(MD) No.1078 of 2024

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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 **Judicial Magistrate Court No.II, Kumbakonam**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or



CRL OP(MD) No.1078 of 2024

Bank pass Book to ensure their identity;

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(d)the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]*; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/01/2024

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/02/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



CRL OP(MD) No.1078 of 2024

TO

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- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTESWARAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.MARIA VINOLA, Advocate (SR-981[I] dated 24/01/2024)

ORDER
IN

CRL OP(MD) No.1078 of 2024

Date :24/01/2024

SS/JGB/SAR- /01/02/2024/5P/6C

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