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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5054 of 2024

Suman

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Vengamedu Police Station
Karur.

Crime No.106/2024

... Respondent/Complainant

For Petitioner : M/s.J.Senthil Kumaraiah, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.106/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police in connection with Crime No.106 of 2024 for the offence under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, has filed this



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2.The case of the prosecution is that the petitioner has illegally transported ¼ units of sand in a bullock cart.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of anticipatory bail on the ground that the petitioner has four previous cases to his credit and the investigation is yet to be completed.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner will not indulge in any such offence in future and he is ready to file an undertaking affidavit before the concerned Court and also prepared to donate books to the Mukasa Kalyanapuram, Thiruvaiyaru Taluk, Thanjavur District, worth of Rs.25,000/-.

6.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the petitioner's readiness to file an undertaking affidavit that he would not indulge in any such offence in future and to donate books worth about Rs.25,000/- to the credit of the Mukasa Kalyanapuram, Thiruvaiyaru Taluk, Thanjavur District, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall file an undertaking affidavit that he will not



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indulge in any such offence in future, before the concerned Judicial Magistrate and also donate books worth of Rs.25,000/- to the credit of the Mukasa Kalyanapuram, Thiruvaiyaru Taluk, Thanjavur District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.1, Karur.

8. On production of such receipt/acknowledgment as well as the undertaking affidavit, 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 No.1, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

- i) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii) The petitioner shall appear before the respondent police as and when required for interrogation. He has to co-operate for the investigation.
- iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.



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iv) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, VENGAMEDU POLICE STATION, KARUR.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE, MUKASA KALYANAPURAM,

THIRUVAIYARU TALUK, THANJAVUR DISTRICT,

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-4218[I] dated 05/04/2024)

ORDER IN

CRL OP(MD) No.5054 of 2024

Date :05/04/2024

RS/JGB/SAR-(16.04.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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