



CRL OP(MD). No.7154 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/05/2024

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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Abinesh @ Abinesh Kumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Elumalai Police Station,
Madurai District.
(In Crime No. 101 of 2024).

... Respondent/ Complainant

For Petitioner : M/s. R.Rajamohan,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. 101 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police
for the offences punishable under section 379 I.P.C., and section 21(v)of Mines and



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Minerals (Development and Regulation) Act, in Crime No.101 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported one unit of Odai sand by using Tractor. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused have illegally transported one unit of odai sand, hence he objected to grant anticipatory bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioner , with certain 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 on which the order copy made ready, before the learned Judicial Magistrate No.2, Usilampatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(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 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 released on bail by the

<https://www.mhc.tn.gov.in/judis>



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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;

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

sd/-
15/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT;
- 3 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO

THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-5426[I] dated 15/05/2024)

ORDER
IN
CRL OP(MD) No.7154 of 2024
Date :15/05/2024

PKP/GS/SAR /21.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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