



CRL OP(MD). No.7273 of 2024

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

Date : 16.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI
CRL OP(MD). No.7273 of 2024

Riyan @ Ruban @ Kattaiyan

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.250 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate

For Respondent : Mr.R.Suresh Kumar, Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.250 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.250 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused have illegally transported 50 bags of sand in Honda HF Deluxe bearing Registration No.TN 49 BK 6599 and in an unregistered TVS XL Heavy Duty, hence the case.



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3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged occurrence and a false case has been foisted against the petitioner and hence he seeks anticipatory bail. He would further submit that co-accused have already been granted anticipatory bail by this Court in CrI.O.P(MD) No.7038 of 2024 by order dated 08.05.2024.

4. The learned Additional Public Prosecutor objected to grant anticipatory bail to the petitioner. However, he fairly concedes that the co-accused were granted anticipatory bail by this Court.

5. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused were granted anticipatory bail by this Court, 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, Thiruvaiyaru, Thanjavur District, 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 their photographs and left thumb



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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 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.

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

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

[e]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].

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

sd/-
16/05/2024

/ TRUE COPY /

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

CM



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TO

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1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.DHILIPAN PANDIAN. R .L, Advocate (SR-5495[I] dated 16/05/2024)

ORDER

IN

CRL OP(MD) No.7273 of 2024

Date :16/05/2024

RS/GS/SAR-(21.05.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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