



CRL OP(MD)No.7355 of 2024

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

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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Balachander

... Petitioner / Accused No.1

Vs

The State through,
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Crime No.304/2024)

... Respondent/Complainant

For Petitioner : Mr.S.Gurumoorthy, Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.304/2024 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., read with section 21(4) of Mines



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and Minerals (Development and Regulation) Act, 1957 in Crime No.304 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 three bags of river sand. Hence, a case has been registered.

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

4.The Government Advocate (Crl. Side) would submit that the petitioner along with other accused have illegally transported three bags of river 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.II, Kumbakonam, on condition that the petitioner shall execute a bond for a sum of



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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, 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 credit of The Head Master, Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, Savings Bank Account No. 10968750674, (IFSC Code: SBI0002246), SBI Othakadai, Madurai, for purchasing benches and desks for 12 newly constructed class rooms under "Namakku Naame" Scheme 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;



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(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 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/-
22/05/2024

/ TRUE COPY /

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

PNN

To

- 1.The Judicial Magistrate No.II,
Kumbakonam.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police
Kumbakonam Taluk Police Station,
Thanjavur District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Head Master,
Government Model Girls Higher Secondary School,
Y.Othakadai, Madurai.

ORDER
IN
CRL OP(MD) No.7355 of 2024
Date :22/05/2024

ED/ VR /SAR- (27/05/2024) 5P / 6C

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