



CRL OP(MD)No.7472 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

CRL OP(MD)No.7472 of 2024

I.Malarvizhi

... Petitioner/ Accused Rank not known

Vs

The Sub Inspector of Police,  
Kabisthalam Police Station,  
Thanjavur District.  
(In Crime No.310 of 2024)

... Respondent/Complainant

For Petitioner : Mr.B.Janarth Kumar, Advocate

For Respondent : Mr.S.Manikandan,  
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.310 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(4) of the Mines and



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Minerals (Development & Regulation) Act, 1957 in Crime No.310 of 2024 on the file  
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of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused had illegally transported four gunny bags of river sand by using two wheeler. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there is no previous case pending as against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case pending as 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



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arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Papanasam 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 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 make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Headmistress, Government Girls High School, Kottampatty, Melur in State Bank of India, Melur Branch, Account No.30636647339 IFSC No.SBIN0000258, MICR Code: 625002021, without prejudice to her contentions and rights before the trial Court 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 as and when required for interrogation.



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[d]the petitioner shall not tamper with the 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 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]**.

[g]If the accused 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.

GNS



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TO  
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- 1 THE JUDICIAL MAGISTRATE,  
PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE  
KABISTHALAM POLICE STATION,  
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:  
THE HEADMISTRESS,  
GOVERNMENT GIRLS HIGH SCHOOL,  
KOTTAMPATTY, MELUR

+1 CC to M/s.B.JANARTH KUMAR, Advocate ( SR-5796[I] dated 24/05/2024 )

ORDER  
IN  
CRL OP(MD) No.7472 of 2024  
Date :22/05/2024

SS/VR/SAR- /27/05/2024/5P/7C

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