



CRL OP(MD). No.7967 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

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Gopinath

... Petitioner/ Accused No.3

Vs

The Sub Inspector of Police,
Sipcot Police Station,
Manamadurai Taluk,
Sivagangai District.
Crime No.56/2024..

... Respondent/Complainant

For Petitioner : Mr.Naresh Prabhu,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 56 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Section 379 IPC, r/w Section 21(1) of the Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.56 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported six units of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights before the trial Court, is ready to pay a sum of Rs.25,000/- to the Manolaya Charity, Kanyakumari District for Rehabilitation and treatment of Mentally - ill roadside destitute people and hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposes the grant of anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the quantity of the sand transported by 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)as per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only as non refundable deposit by way of Demand Draft to the Manolaya, Indian Overseas Bank, Kottaram (IFSC Code : IOBA0000253, Account No. 025302000000284), without prejudice to his defence before the trial Court



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and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

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

(d)the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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



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of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
29/05/2024

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/06/2024

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

TSG

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI,
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
MANAMADURAI TALUK, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MANOLAYA CHARITY, KANYAKUMARI DISTRICT
FOR REHABILITATION AND TREATMENT OF MENTALLY - ILL ROADSIDE
DESTITUTE PEOPLE



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ORDER
IN
CRL OP(MD) No.7967 of 2024
Date :29/05/2024

RK/GS (04/06/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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