



CRL OP(MD). No.8079 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/05/2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD). No.8079 of 2024

Ajay

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Kumbakonam Taluk Police Station,  
Thanjavur District.  
Crime No.310/2024

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, 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.310/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 r/w. Section 379 I.P.C., in Crime No.310 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner has illegally transported 3 Units of river sand without any valid permit in a Ashok Leyland Lorry. 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 bail.

4.The learned Government Advocate (Criminal side) would submit that the petitioner said to have illegally transported 3 units of river sand any valid permit in a Ashok Leyland lorry, 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 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



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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.15,000/- (Rupees Fifteen Thousand only) to the credit of the Creche attached to Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining creche and shall produce the receipt/acknowledgment before the concerned Court along with surety affidavit.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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/-  
30/05/2024

/ TRUE COPY /

/06/2024  
Sub-Assistant Registrar (C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

LS  
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.

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

COPY TO

THE OFFICER INCHARGE,  
WOMEN ADVOCATES ASSOCIATION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate ( SR-6019[I] dated 30/05/2024 )



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ORDER

IN

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Date :30/05/2024

RS/VR/SAR-(03.06.2024) 5P 7C

Madurai Bench of Madras High Court is issuing  
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