



CRL OP(MD). No.9675 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9675 of 2024

(*)P.Dheenadayalan @ Rajkumar

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Papanasam Police Station
Thanjavur District.
(Cr No.93/2021).**

... Respondent/Complainant

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

**For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.93/2021 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 Sections 379 I.P.C. r/w. Section 21(4) of Mines and**

Minerals (Development and Regulations) Act, 1957, in Crime No.502 of 2024 on the

<https://www.mhc.tn.gov.in/judis>



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file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was illegally transporting 2 ½ units of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he 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 the investigation is pending and raised strong objections.

5.Taking into consideration the facts and circumstances of the case, 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, Papanasam, 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

impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar

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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 The Annai Sathiya Ammaiyar Memorial Government Children Home, Dr.Thangaraj Colony, K.K. Nagar, Madurai-625 020, (Account No:- 37487255860, IFSC Code:- SBIN0007922, State Bank of India, Madurai), without prejudice to his 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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].



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[g]If the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-

02/07/2024

(*)Amended as per order of this Hon'ble Court in
CRL MP(MD).7744/2024 in CRL OP(MD).
9675/2024 dated 02/08/2024.

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/08/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
24/07/2024

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



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THE OFFICER INCHARGE
ANNAI SATHIYA AMMAIYAR MEMORIAL GOVERNMENT
CHILDREN HOME, DR.THANGARAJ COLONY,
K.K.NAGAR, MADURAI - 625 020.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-9529[I] dated 06/08/2024)

ORDER IN
CRL OP(MD) No.9675 of 2024
Date :02/07/2024

PKP/GS/SAR /18.07.2024/ 5P/7C
RS/VR/SAR /07.08.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing
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