



CRL OP(MD). No.10126 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2024

PRESENT

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

CRL OP(MD). No.10126 of 2024

Balakumar,

Vs

... Petitioner/ Accused Rank Not Known

The Inspector of Police,
Thanjavur Taluk Police Station
Thanjavur District.
Cr No.252/2024.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PRAYER :- For Anticipatory Bail in Cr No.252/2024 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 379 I.P.C r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.252 of 2024, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis> 2. The case of the prosecution is that on 09.06.2024, the petitioner and other



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accused have illegally transported 2 ½ units of river sand. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the accused have transported 2 ½ units of river sand illegally and the petitioner is not having any previous case. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Petition is allowed and the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East,(Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Thanjavur District.



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7. On production of such receipt, 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 No.II, 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 Aadhar card or Bank pass Book to ensure their identity;

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

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

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

(e) 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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
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/07/2024

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,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION
THANJAVUR DISTRICT.

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

COPY TO:
THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI, MADURAI EAST,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-7660[I] dated 09/07/2024)



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ORDER
IN
CRL OP(MD) No.10126 of 2024
Date :09/07/2024

SA/VR/SAR. /19.07.2024/5P/7C

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