



CRL OP(MD). No.15999 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15999 of 2024

Ariharasubramanian,

... Petitioner/ Accused(Rank not known)

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No.49/2023).

... Respondent/Complainant

For Petitioner : Mr.P. Saravanakumar,
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.49 of 2023 on the file of the Respondent police.

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



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.49 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 1 units of saral sand. Hence, the complaint.

3.Heard both sides.

4. The prayer was opposed on the ground that earlier the petitioner was granted anticipatory in CrI.OP(MD)No.12227 of 2023 dated 06.01.2023, and without even completing the conditions, second petition is filed.

5. The learner counsel for the petitioner submits that because of the health condition, he could not comply with the same and hence, the second application.



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6. The petitioner has to only file an extension of time petition even if there is any health condition. However, only considering the nature of the allegations in this case that the petitioner was a driver who illegally quarried 1 unit of saral sand, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Headmaster, Government Higher Secondary School, G.Udayapatti, Kulithalai, Karur District, (Account No.31470991902, CIF No; 85896796279, IFSC Code: SBIN0000863, State Bank of India, Kulithalai Branch), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate, Shencottai.

8. 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 Judicial Magistrate, Shencottai, 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:



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(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 229-A IPC.

sd/-
24/09/2024

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/10/2024

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

dss

TO

1. The Judicial Magistrate, Shencottai,
2. Do-Through The Chief Judicial Magistrate,
Tenkasi District.
3. The Inspector of Police,
Ilathur Police Station, Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Headmaster,
Government Higher Secondary School,
G.Udayapatti, Kulithalai, Karur District,

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-11668[I] dated 24/09/2024)

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ORDER
IN
CRL OP(MD) No.15999 of 2024
Date :24/09/2024

RK/MMS (10/10/2024) 6P / 7C

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