



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 02/06/2020

WEB COPY

PRESENT

**The Hon'ble Dr. Justice G. JAYACHANDRAN**

CRL OP(MD) . No.5586 of 2020

S. Balakrishnan

... Petitioner/Sole Accused

**Vs**

The Inspector of Police,  
Parthibanoor Police Station,  
Ramanathapuram District.  
Cr.No.219 of 2020.

... Respondent/Complainant

For Petitioner : M/s D. Senthil,  
Advocate.

For Respondent : Mr. A. P. G. Ohm Chairma Prabhu,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

To enlarge the Petitioner on bail in the event of his arrest in connection with Cr.No.219 of 2020 on the file of the Respondent Police and pass such further or other orders as this Hon'ble Court.

**ORDER :** The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of IPC r/w.21(1) of Mines and Minerals Development and Regulation Act, 1957 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of river sand during the lockdown period.

3. The learned counsel for the petitioner would submit that the sand was not river sand and it is only gravel, which is used for levelling the floor.



4. Taking note of the rival submissions and the fact that the vehicle has already been seized, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions:

5. 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, Paramakudi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 said Magistrate, on further condition that:

[a] the petitioner shall make a non refundable deposit of **Rs.40,000/- (Rupees Forty thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[b] 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.

[c] the petitioner shall report before the respondent police 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
02/06/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

**TO**

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
PARTHIBANOOR POLICE STATION,  
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**COPY TO:-**

THE CHAIRMAN/DISTRICT COLLECTOR,  
DISTRICT MINERAL FOUNDATION TRUST,  
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.D.SENTHIL, Advocate ( SR-5729[I] dated 02/06/2020 )

ORDER  
IN  
CRL OP(MD) No.5586 of 2020  
Date :02/06/2020

AAV  
TE/JC/SAR-II : 03/06/2020 : 3P/7C