



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/09/2020

WEB COPY

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.9652 of 2020

Alagumani

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Checkanurani Police Station,  
Madurai District.  
Cr.No.1817 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.Sivaraja,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.1817 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., and Section 21(5) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.1817 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused said to have illegally transported four units of gravel sand by using Tipper lorry. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution. He further submitted that after getting permission from the authority, the petitioner has transported gravel sand. However, the respondent police have overlooked it and registered the complaint. Hence, he prayed for grant of anticipatory bail to the petitioner.

WEB COPY

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and other accused said to have transported gravel sand without getting permission. He further submitted that A2 already arrested and remanded to judicial custody.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner said to have transported gravel sand after getting permission, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 report before the respondent police 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;



(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
11/09/2020

WEB COPY

/ 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 NO.II, USILAMPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
CHECKANURANI POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9652 of 2020  
Date :11/09/2020

MS/AKM/SAR-4/17.09.2020/3P.5C