



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1883 of 2021

Karuppaiah

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
In Crime No.172 of 2020

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar,
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 :-

For Anticipatory Bail in Crime No. 172/2020 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.172 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was said to have illegally transported 30 gunny bags of river sand by using TATA ACE. Hence, a complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is not having any bad antecedent. He further submitted that he was unsuccessful candidate, who contested in the Union Counsellor Election. The petitioner's brother is the Ex-president of the panchayat. The case has been



registered against him due to the motive of the present president. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner and the case has been registered against the petitioner, due to the motive of the present president, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall draw a demand draft in favour of Dean, Government Medical College Hospital, Sivagangai, for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Medical College Hospital, Sivagangai, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Singampunari, Sivagangai 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 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 daily at 10.30 a.m 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

<https://hccservicescourts.gov.in/Kcse/Case/> **Govt. P. K. Saji 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.

01/03/2021

/ TRUE COPY /

WEB COPY

/ /2021

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, SINGAMPUNARI,
SIVAGANGAI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
3. THE INSPECTOR OF POLICE,
S.V. MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE DEAN, GOVERNMENT MEDICAL COLLEGE HOSPITAL,
SIVAGANGAI

+1. CC to Mr.K.SATHISH KUMAR, Advocate SR.No.1696

ORDER

IN

CRL OP(MD) No.1883 of 2021

Date : 01/03/2021

VSG

PK/PN/SAR-I/03.03.2021 : 3P/7C