



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5808 of 2021

Sivasamy ... Petitioner/Accused

Vs

The Sub Inspector of Police,
Vangal Police Station,
Karur District,
Cr.No.167 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Gokulraj.S,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.167 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 21 (1) of Mines and Minerals (Regulation and Development) Act, 1957 r/w 379 of IPC, in Crime No.167 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.04.2021 at about 20.00 hours, when the defacto complainant was conducting usual checkup, at that time, the petitioner had illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the total quantity of sand involved is $\frac{1}{4}$ unit and the same was recovered by the respondent police.



5. Considering the facts and circumstances of the case and the fact that the contraband was recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 No.II, Karur and on his executing 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 cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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/-
23.04.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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, Karur.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Sub Inspector of Police,
Vangal Police Station, Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.GOKUL RAJ, Advocate (SR-3322[I] dated 23/04/2021)

ORDER
IN
CRL OP(MD) No.5808 of 2021

Date : 23/04/2021

VB VR SAR IV(03/05/2021) 3P / 6c