



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

Date : 12/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN  
CRL OP(MD).No.6653 of 2021

WEB COPY

Karthickraja @ Karthickraj

... Petitioner/Accused No.1

Vs.

State Rep. By  
The Inspector of Police,  
Ettayapuram Police Station,  
Thoothukudi District.  
Cr.No.99 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu,  
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.99 of 2021 on the file  
of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation  
Act), 1957, in Crime No.99 2021, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned  
Government Advocate (Crl.side)for the respondent police.

3.The case of the prosecution is that the petitioner illegally  
transported three units of gravel sand by using a Lorry. Hence, the  
complaint.

4.The learned counsel for the petitioner would submit that the  
petitioner is an innocent and a false case has been foisted against  
him. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) appearing for the  
respondent would submit that the quantity of sand involved is three  
units and hence, he strongly opposed to grant anticipatory bail to  
the petitioner.

6.Taking into consideration the facts and circumstances of the  
case, this Court is inclined to grant anticipatory bail to the  
petitioners.



7. 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 Judicial Magistrate Court No.II, Kovilpatti, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 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 is directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand five hundred only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c] the petitioner shall report before respondent police the first working day of every month at 10.30 a.m., until further orders;

[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/-

12/05/2021

/ TRUE 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE COURT NO.II, KOVILPATTI,  
THOOTHUKUDI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT
3. THE INSPECTOR OF POLICE,  
ETTAYAPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO

THE OFFICER INCHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
SECRETARIAT,  
CHENNAI-9.

ORDER  
IN  
CRL OP (MD) No.6653 of 2021  
Date : 12/05/2021

VB MNR SAR IV(20/05/2021) 3P / 6c