



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

Wednesday, the Twelfth day of May Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) .No.6712 of 2021

Karuppasamy

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Tuticorin District.
Crime No.255 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C,
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.225 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.225 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 on 24.04.2021 the petitioner illegally transported $\frac{3}{4}$ unit of red sand by using a tipper 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 3/4 unit of red sand 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 learned Judicial Magistrate No.II, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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.2,000/- (Rupees Two Thousand 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

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/ /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 NO.II, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,
IOB, SECRETARIAT BRANCH, CHENNAI-9
(ACCOUNT NO.11720 10000 00070, IFSC CODE: IOBA0001172)

ORDER
IN
CRL OP(MD) No.6712 of 2021
Date :12/05/2021

VSD
CSL/VR/SAR-IV/19.05.2021 : 3P/6C