



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

Date : 22/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD)No.9694 of 2021

Kumarappan

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No.148 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl.side)

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

PRAYER :-For Anticipatory Bail in Crime No.148 of 2021 on the file of the respondent Police.

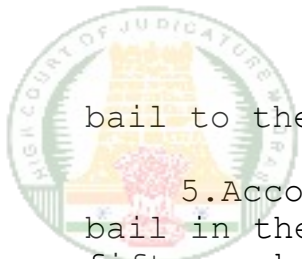
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 470, 379 IPC and Section 21(1) of the Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.148 of 2021, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner was granted permission for mining in the year 2019. It is the case of the petitioner that the vehicle drivers had fabricated the records by changing the registration number of the vehicle and trip-sheet. Therefore, the present case has been registered.

3.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the accused said to have changed vehicle numbers and other details in the permit copy. He further submitted that the petitioner has no previous case pending against him.

4.Considering the submissions of the learned Government Advocate(Crl.side), this Court is inclined to grant anticipatory



bail to the petitioner.

5. 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.I, Sivakasi, Virudhunagar 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 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 make a non-refundable deposit for a sum of Rs.5,000/- (**Rupees Five Thousand only**) **to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District.

[c] the petitioner shall report before respondent police daily at 10.30 am., 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/-
22/07/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE NO.I
SIVAKASI,VIRUDHUNAGAR DISTRICT,
- 2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DIST.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.9694 of 2021
Date :22/07/2021

GNS
RT/JM/SAR-IV/26.07.2021/3P/6C