



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

Date : 28/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD. No.10036 of 2021

Palanimurugan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
A. Mukkulam Police Station,
Virudhunagar District.
(In Crime No. 40 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.KARUNANIDHI, Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

PRAYER :-AB For Anticipatory Bail in Crime No. 40 of 2021 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands
of the respondent police for the alleged offences punishable under
Section 379 IPC and Section 21(1)(5) of Mines and Mineral
(Development and Regulation) Act, 1957, in Crime No.40 of 2021,
seeks anticipatory bail.

2. The case of the prosecution is that on 22.07.2021 at about
03.00 p.m., the defacto complainant found near a bridge,
Udaiyakanchirankulam road, a tractor bearing registration No.TN-67-
AB-4011 with gravel sand. They stopped the lorry and found that it
contained one unit of gravel sand.

3. The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.side) appearing for the
respondent police opposed this petition on the ground that
investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>



5. It is a case of illegal transportation of one unit of gravel sand. The sand and the vehicle had been recovered and the material witnesses are official witnesses. Hence, this Court is inclined to grant anticipatory bail to the petitioner with condition.

6. 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 **(*) District Munsif cum Judicial Magistrate, Tiruchuli** 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 report before respondent police daily at 10.30 am., 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]**.

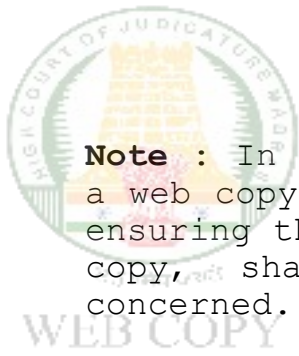
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2021

**(*)Amended as per order of this court
dated 13/08/2021 in CRL.MP(MD)
No.5798/21 in CRL.OP(MD)No.10036/2021**

/ 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,
ARUPPUKOTTAI.

**(*)2.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
TIRUCHULI.**

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4.THE INSPECTOR OF POLICE,
A. MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

+1 cc to Mr.R.Karunanidhi Advocate, SR.No.5383

ORDER
IN
CRL OP(MD) No.10036 of 2021
Date :28/07/2021

KSA
SA/JC/SAR.2/02.08.2021/3P/7C