



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

Date : 12.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11069 of 2021

Selvam

... Petitioner/Sole Accused

Vs

State rep by

The Inspector of Police,
Gandamanur Police Station,
Theni District.

In Crime No.128 of 2021, ... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.128 of 2021 on the file of the respondent Police.

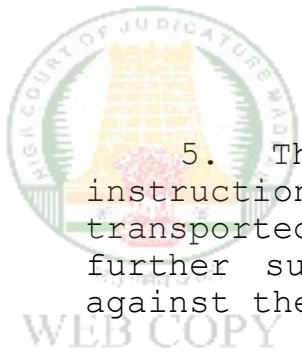
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.128 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 19.06.2021, the petitioner had illegally transported one unit of block metal by using tractor. Hence, the complaint.

3. This is a second anticipatory bail petition. The earlier anticipatory bail Petition filed in Crl.OP(MD)No.8246 of 2021 was dismissed as against the petitioner on 30.06.2021.

4. The learned counsel for the petitioner submits that the petitioner has taken the block metal only from his patta land and the petitioner is ready to abide by any condition imposed by this Court. Further, he would submit that the petitioner has no previous



5. The learned Government Advocate (Criminal Side), on instructions, would submit that the petitioner had illegally transported one unit of block metal without permit. He would further submit that no other case of similar nature is pending against the petitioner.

6. Considering the fact that the petitioner has no previous case of similar nature and the mineral that is transported is block metal, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

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, Aundipatti on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the 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 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 the 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/-
12/08/2021

/ TRUE COPY /

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

mbi



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,
Aundipatti.
- 2.The Chief Judicial Magistrate, Theni.
- 3.The Inspector of Police,
Gandamanur Police Station,
Theni District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.11069 of 2021
Date : 12.08.2021

TR/JC/SAR-IV (23.08.2021) 3P 5C