



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

Date : 10.08.2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.11103 of 2021

T.Esakki

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.191 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Robinson,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.191 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 IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, in Crime No.191 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 09.07.2021, the petitioner and other accused have illegally transported six units of saral sand by using torus lorry bearing registration No.TN 92 D 3507. Hence, the present case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner and other accused have transported six units of saral sand without any valid



permission. He further submitted that there is no previous case pending against the petitioner.

5.Considering the nature of allegations levelled against the petitioner and the fact that the petitioner has not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Principal Sessions Court, Thoothukudi, 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 learned 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 Aadhaar 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.

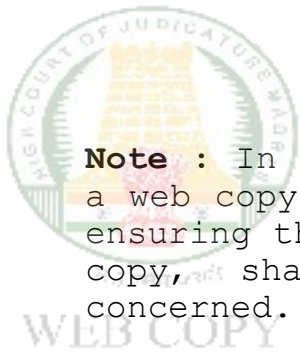
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
10/08/2021

/ 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 PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.ROBINSON, Advocate (SR-5274[I] dated 11/08/2021)

ORDER
IN
CRL OP(MD) No.11103 of 2021
Date :10/08/2021

USK/JC/SAR-II : 18/08/2021 : 3P/5C