



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

Date : 26.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD)No.12306 of 2021

Abdulrahumansait

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Pudur Police Station,
Tuticorin District
(Crime No. 162/2021).

... Respondent/Complainant

For Petitioner : Mr.S.Bharathi, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.162 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 offence punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.162 of 2021, seeks anticipatory bail.

2.The prosecution case is that on 13.08.2021, when the respondent complainant was in vehicle checking, they found a Mini Lorry, bearing registration no.TN-65-W-2926, driven by the petitioner, with Black M-Sand, without any permission. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. However, a false case has been foisted as against him and therefore, prays for grant of anticipatory bail.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner has illegally



transported 2.5 unit of Black M-Sand and hence, the case was registered. He further submitted that the petitioner has no previous case pending against him.

5.Considering the facts and circumstances of the case, the nature of mineral involved 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 learned Principal Sessions Judge, Tuticorin, 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 Judge 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 learned Judge 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/08/2021

/ TRUE COPY /

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

gk



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,
Tuticorin.
- 2.The Inspector of Police,
Pudur Police Station,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP (MD) No.12306 of 2021
Date : 26.08.2021

TR/SKN/SAR-II(07.09.2021) 3P 4C