



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

Date : 06.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12730 of 2021

Alagarsamy

... Petitioner/Accused Rank No.2

Vs

The State rep.by,
The Sub Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
[Crime No.554 of 2021]

... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian, 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.554 of 2021 on the file of the Respondent police.

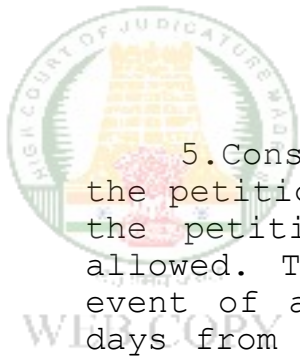
ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.554 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported two units of red sand in a vehicle. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submits that this the third anticipatory bail petition. The petitioner is an innocent and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution and he is not involved in any other offence.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioner has transported two units red sand without proper permission. The petitioner has not committed any other offence.



5.Considering the nature of mineral involved and antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is allowed. 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, Iluppur, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the 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 is 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/-

06/09/2021

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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,
ILUPPUR, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
ANNAVASAL POLICE STATION, PUDUKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12730 of 2021

Date :06/09/2021

DSK

MK/PN/SAR.II/13.09.2021/3P/5C