



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

Date : 06.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD)No.12717 of 2021

S.Poovalingam ... Petitioner/Accused Rank Not Known
Vs

The State rep.by,
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
[Crime No.421 of 2021]

... Respondent/Complainant

For Petitioner : Mr.I.Sabeer Mohamed, 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.421 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 Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.421 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally taken 13 bags of sand from a Kanmoi. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submits that 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. However, the petitioner in order to show his *bona fide*, is prepared to pay a sum of Rs.7,500/- to the credit of the Chief Minister's Public Relief Fund.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioner has taken sand in 13 bags and he has not involved in any other offence.

5.Considering the facts and circumstances of the case, the
<https://hcservices.courts.gov.in/hcservices/> and also considering the fact that the



petitioner in order to show his *bona fide*, has come forward to pay a sum of Rs.7,500/- to the credit of Chief Minister's Public Relief Fund and his antecedent, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Paramakudi.

6.On production of such receipt/acknowledgment, 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 Judicial Magistrate, Paramakudi, 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

/ 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,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

+1 CC to M/S.I.SABEER MOHAMED, Advocate(SR-6068[I]dated 08/09/2021)

ORDER
IN
CRL OP(MD) No.12717 of 2021
Date :06/09/2021

DSK
MK/PN/SAR.IV/13.09.2021/3P/7C