



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13365 of 2021

D.Sakthivel Muthalagu ... Petitioner/Unknown Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.

In Crime No.1004 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.K.RAMAKRISHNAN, Advocate for
MR.C.Prithviraj, Advocate.

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.1004 of 2021 on the file
of the Respondent Police.

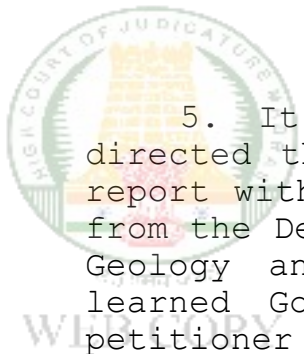
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
379 of IPC and 21(1) and 21(2) of Tamil Nadu Mines and Minerals
(Development and Regulation) Act, 1957, in Crime No.1004 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has
illegally transported three units of gravel sand. Therefore, the
present case came to be 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. He further submitted that the petitioner has a permit
slip which has been given by the Assistant Director, Trichy, for
transporting gravel sand.

4. Heard the learned Government Advocate (Criminal Side)
appearing for the respondent Police.



5. It appears that this Court, by order dated 13.09.2021, directed the learned Government Advocate (Criminal Side) to get a report with regard to the permit slip recovered from the petitioner from the Department of Geology and Mining. The Assistant Director of Geology and Mining, Tiruchirappalli, has sent a report to the learned Government Advocate, in which, he has stated that the petitioner is a licensee and the permit slip has been issued to the petitioner. Hence, considering the report filed by the Assistant Director of Geology and Mining and the nature of allegation levelled against the petitioner, 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 Judicial Magistrate No.VI, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 the respondent police as and when required for interrogation.

[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/-
21/10/2021

/ 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 NO.VI,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13365 of 2021
Date :21/10/2021

SSB
MK/JM/SAR.II/28.10.2021/3P/5C