



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

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.13722 of 2021

Muthukrishnan,

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy D,
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. 191 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w. 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.191 of 2021, seeks anticipatory bail.

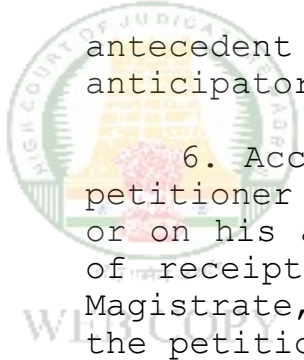
2.The case of the prosecution is that the petitioner has illegally transported one unit of kanmoi soil in a Tractor and Trailer.

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 this is the second anticipatory bail petition and the earlier petition was dismissed by this Court, vide order dated 19.08.2021. He further submitted that the petitioner is having two previous cases of similar in nature in Cr.Nos.267 of 2018 and 428 of 2020.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Considering the nature of mineral involved and the



antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. 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, Rajapalayam, Virudhunagar District, 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 respondent police daily twice, i.e. at 10.30 a.m. and 5.30 p.m., 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/-
17/09/2021

/ TRUE COPY /

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

OGY

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 LEARNED JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-6344[I] dated 17/09/2021)

ORDER IN
CRL OP (MD) No.13722 of 2021
Date :17/09/2021

SB/SKN/SAR-III/23.09.2021/3P/6C