



WEB COPY

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

Date : 05.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15111 of 2021

Nesaraj

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.232/2021)

... Respondent/Complainant

For Petitioner : M/s.G.Kalidoss, Advocate

For Respondent : M/s.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

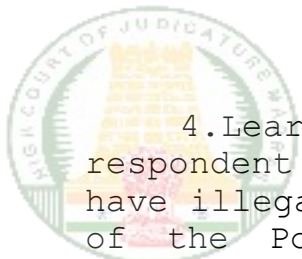
For Anticipatory Bail in Crime No.232 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.232 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner and other accused have illegally transported one unit of red sand, without any valid permission. Hence, the complaint.

3.Learned Counsel for the petitioner submitted 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 and other accused have illegally transported one unit of red sand and on the complaint of the Police officials, the case was registered. He further submitted that the petitioner is having nine previous cases to his credit and all of them have been disposed of.

5.Considering the facts and circumstances of the case, nature of mineral involved and the fact that though the petitioner is involved in nine other cases, all the cases have been disposed of, 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, Valliyur, Tirunelveli 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 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 the investigation or trial.

[d]the petitioner shall not abscond either during the 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 petitioner / accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
05/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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,
VALLIYUR, TIRUNELVELI DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15111 of 2021

Date :05/10/2021

SP/JM/SAR IV/08/10/2021/3P/5C