



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI
CRL OP(MD). No.15813 of 2021

WEB COPY

Sengamalam,

... Petitioner/Accused

Vs

State Rep by,
The Inspector of Police,
Thirumayam Police Station,
Pudukottai District
(Crime No. 383 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A. Shajahan,
Advocate.

For Respondent : Mr.Muthu Manickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 383 of 2021 on the file of the respondent Police.

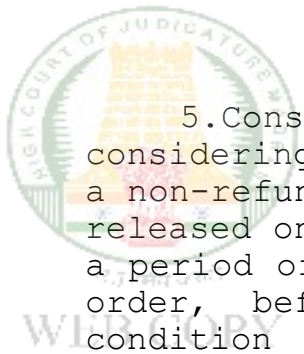
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC r/w Section 21(1) and 21(2) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.383 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported 5 units of river sand by using a Lorry. Hence, the present case has been 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 would further submit that the petitioner is the only driver of the vehicle and the owner of the vehicle has already paid a non refundable sum of Rs.60,000/- to Chief Minister's Relief Fund for releasing of vehicle in Crl.M.P.No.2379 of 2021 on the file of Principal Sessions Judge, Pudukkottai.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner had transported 5 units of river sand illegally. He further submitted that there is no previous case pending against the petitioner.



5.Considering the facts and circumstances of the case and also considering the fact that the owner of the vehicle has already paid a non-refundable sum of Rs.60,000/-, 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, Thirumayam, 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 at 10.30 am., for a period of 30 days and thereafter, 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/-
12/10/2021

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

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



3 THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-7194[I] dated 12/10/2021)

ORDER

IN

CRL OP(MD) No.15813 of 2021

Date :12/10/2021

TRP

PKP/VR/SAR-1/20.10.2021/3P/6C