



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.15833 of 2021

Manoharan, ... Petitioner/Accused Rank Not Known

Vs

State Rep by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Cr.No.296 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Surliraja P,
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.296 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) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.296 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported 3 bags of river sand each. 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. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.5,000/-.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the each of the petitioner had transported 3 bags of river sand illegally. He further submitted that there is no previous case pending against the petitioner.

5.Considering the nature of mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.5,000/-, 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.2,000/- (Rupees Two Thousand Only) to the credit of the Headmaster, Government Higher Secondary School, Y. Othakadai, Ulaganeri, Madurai (Account No.10968750674, State Bank of India, Tallakulam Branch, CIF No.80780349513), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Musiri, Trichy District.

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 Judicial Magistrate, Musiri, Trichy District, 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 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

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

TRP

TO

1. The Judicial Magistrate, Musiri, Trichy District.
2. Do Through The Chief Judicial Magistrate, Trichy.
3. The Inspector of Police,
Kattuputhur Police Station, Trichy
District. Cr.No.296 of 2021.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
the Headmaster, Government Higher Secondary School,
Y. Othakadai, Ulaganeri, Madurai

ORDER IN
CRL OP(MD) No.15833 of 2021
Date : 12/10/2021

TR/SKN/SAR-I (20.10.2021) 3P 6C