



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15913 of 2021

P.Nagarajan, ... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Ilupur Police Station,
Pudukkottai District.
Cr.No. 419 of 2021.. ... Respondent/Complainant

For Petitioner : M/s.Praveenkumar K,
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.419 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.419 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported three units of river sand. 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 bonafide, 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 the petitioner had transported 3 units of river sand illegally. He further submitted that there is no previous case pending against the petitioner.

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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.5,000/-(Rupees Five Thousand Only)to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Iluppur, Pudukkottai 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, Iluppur, Pudukkottai 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 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, Iluppur, pudukkottai District.
2. Do Through The Chief Judicial Magistrate,
Pudukkottai.
3. The Inspector of Police,
Iluppur Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Officer Incharge,
Chief Minister's Public Relief Fund,
Finance (CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD) No.15913 of 2021
Date : 12/10/2021

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