



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

Date : 25.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.16177 of 2021

WEB COPY

Palani @ Muthu Muniyandi Palani ... Petitioner / Accused Rank No.3

Vs

State represented by
the Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
[Crime No.182 of 2021]

... Respondent / Complainant

For Petitioner : Mr.N.Mohideen Basha

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.182 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :

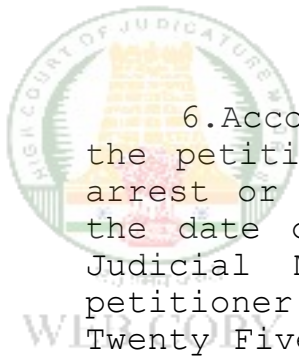
The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section
379 r/w Section 511 IPC and Section 21(5) of the Mines and Minerals
(Development and Regulation) Act, 1957 in Crime No.182 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has
attempted to take gravel using vehicles and therefore, the present
case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent and he has been falsely implicated in this
case and he has not indulged in any offence as alleged by the
prosecution.

4.The learned Government Advocate (Crl Side) for the respondent
Police submitted that the petitioner has attempted to transport
gravel illegally. The petitioner has not involved in any other
offence.

5.Considering the nature of mineral and antecedent of the
petitioners Court is inclined to grant anticipatory bail to
the petitioners.



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 No.II, Virudhunagar 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 Judge 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 as and when required.

[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 is 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/-
25/10/2021

/ TRUE COPY /

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

dsk

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 NO.II,
VIRUDHUNAGAR

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

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



3. THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER IN
CRL OP(MD) No.16177 of 2021
Date :25/10/2021

SB/SKN/SAR-III/29.10.2021/3P/5C