



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16809 of 2021

P.Chinna Raja

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.
(Crime No.190 of 2021).

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah, Advocate.

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

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

PRAYER :-

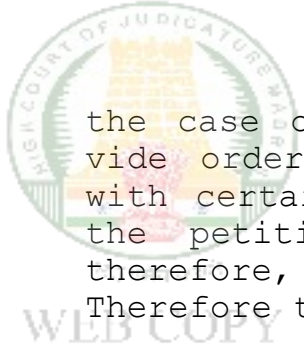
For Anticipatory bail in Crime.No.190 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w 21(1), 21(2) of the Mines and Minerals (Development and Regulation) Act, 1975 in Crime No.190 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported two units of pond sand. Therefore, the present case came to be registered

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that this Court has already considered



the case of the petitioner and granted anticipatory bail to him, vide order dated 19.08.2021, made in CrI.OP(MD)No.11814 of 2021, with certain conditions. But, due to non-availability of sureties, the petitioner did not surrender before the trial Court and therefore, he has moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

4.The learned Government Advocate (CrI.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in CrI.OP(MD)No.11814 of 2021, dated 19.08.2021 and that he has not complied with the conditions stipulated therein. He further submitted that there is no previous case pending against the petitioner.

5.Considering the nature of the mineral involved, the fact that the petitioner has already been granted anticipatory bail by this Court, that his failure to comply with the conditions stipulated therein, 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, Thirumayam, 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 a.m., until further orders.

[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.

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Sd/-
29/10/2021

/ TRUE COPY /

/ /2021

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

ssb

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,
THIRUMAYAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16809 of 2021
Date :29/10/2021

SP/PN/SAR III/12/11/2021/3P/5C