



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.16977 of 2021

WEB COPY

S.Muniyandi

... Petitioner/Accused

Vs

State Rep.by
The Sub Inspector of Police,
Thirumangalam Town,
Madurai District.
(In Crime No. 232 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Seeni S,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.232 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 and section 21(4) of Mines and Minerals (Development &
Regulation) Act, 1957, in Crime No.232 of 2021, seeks anticipatory
bail.

2.The prosecution case is that the petitioner has illegally
transported three units of gravel sand by using a Tipper Lorry.
Hence, the complaint.

3.Learned Counsel for the petitioner submits that the
petitioner is an innocent and he has not committed any offence as
alleged by the prosecution, but, a false case has been foisted as
against him.

4.Learned Government Advocate(Crl.side) appearing for the
respondent police submitted that the petitioner has illegally
transported three units of gravel sand and hence, the case was
registered. He further submitted that the petitioner has no previous
case pending against him.



5. Considering the nature of mineral involved and the antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner;

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District and Sessions Judge, Madurai, 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 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 petitioners 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/-

02/11/2021

/ TRUE COPY /

/ /2021

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

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 DISTRICT AND SESSIONS JUDGE,
MADURAI.

2. THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN,
MADURAI DISTRICT.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.16977 of 2021

Date : 02/11/2021

RS/TR/SAR3 (11.11.2021) 3P 4C