



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17207 of 2021

Selvakrishnan

... Petitioner/Accused No.1

Vs

State Rep. By
The Sub Inspector of Police,
Vellanur Police Station
Pudukkottai District
Cr.No.302 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Mathavan
Advocate.

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.302 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest for the alleged offence punishable under Section 21(1)(2) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.302 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with others had illegally transported six units of jelly in a lorry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as
<https://hcservices.mca.gov.in/hcservices/> the prosecution, but he has been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that the investigation is yet to be completed and there is no adverse antecedent as against the petitioner.

5.Taking into consideration of the facts and circumstances of the case and the fact that the petitioner has not involved in any other offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or 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, Pudukkottai, 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 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 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]**; and;

(f)if the accused/ petitioner 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.

cp



TO

1. THE JUDICIAL MAGISTRATE NO. II,
PUDUKOTTAI, PUDUKOTTAI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
VELLANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17207 of 2021

Date : 02/11/2021

SB/JM/SAR-II/17.11.2021/3P/5C