



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.17809 of 2021

Gopalakrishnan ... Petitioner/Accused Rank Not Known
Vs.

The State Rep.by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Cr.No.112 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Alagumani.R,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

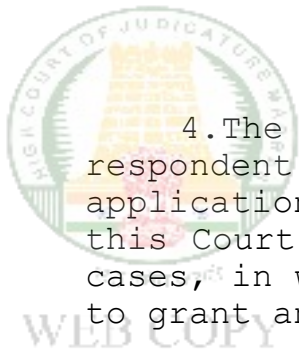
For Anticipatory bail in Crime No.112 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused Rank Not Known, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.112 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner has illegally transported two units of river sand by using Van. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted against him. However, to show his *bona fide*, he is prepared to pay a sum of Rs.30,000/- to any organization as directed by this Court.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that this is second anticipatory bail application. The petitioner's earlier application was dismissed by this Court on the ground that the petitioner is having six previous cases, in which one is similar in nature. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the nature of mineral involved, the antecedent of the petitioner and his willingness to pay a sum of Rs.30,000/-, 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.30,000/-(Rupees Thirty thousand Only) in favour of the Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District.

6.On production of receipt / acknowledgement for having paid the amount before the District Green Committee, 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, Rajapalayam, Virudhunagar 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 Judge 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 am., for a period of one month 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 the 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/-
17/11/2021

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

vsd

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,
Rajapalayam, Virudhunagar District.
2. -do-Through The Chief Judicial Magistrate,
Virudhunagar At Srivilliputtur.
- 3.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Head Master,
Government Higher Secondary School,
Kottanathampatti, Melur Taluk,
Madurai District

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-8208[I] dated 17/11/2021)

ORDER
IN
CRL OP(MD) No.17809 of 2021
Date :17/11/2021

RD/VR/SAR-IV (19.11.2021) 3P 7C