



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

Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.19090 of 2021

WEB COPY

Kasi @ Marimuthu,

... Petitioner/Accused No.2

Vs

State Rep. By
The Inspector of Police,
Irukkangudi Police Station,
Viruthunagar District.
(Crime No. 122 of 2020).

... Respondent/Complainant

For Petitioner : M/s. Karthick.P,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 122 of 2020 on the file of
the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
269 and 379 IPC and Section 21(1) of Mines and Minerals (Development
& Regulation) Act, 1957, in Crime No.122 of 2020, seeks anticipatory
bail.

3.The case of the prosecution is that on 18.04.2020, the
petitioner and other accused have illegally transported three bags
of river sand.

4. This petitioner moved anticipatory bail earlier, which came
to be dismissed by this Court on 20.09.2021, on the ground that
seven previous cases are pending against him.

5. Now, the learned Government Advocate submits that out of
seven previous cases, five cases ended in acquittal and as on date,
two cases are pending.



6.Considering the submission made by the learned Government Advocate, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Judicial Magistrate Court No.II, Sattur**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, 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 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.

sd/-
08/12/2021

(*) Corrected as per order of this Court dated 23/12/2021 in CRL OP(MD)No.19090/2021.

/ 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 BE SUBSTITUTED WITH THE ORDER DATED 08/12/2021 ALREADY DESPATCHED.

TO

- 1.THE JUDICIAL MAGISTRATE COURT NO.II,
SATTUR.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE JUDICIAL MAGISTRATE COURT NO.II,
NAGERCOIL.
- 4.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 5.THE INSPECTOR OF POLICE,
IRUKKANGUDI POLICE STATION,
VIRUTHUNAGAR DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP(MD) No.19090 of 2021
Date :08/12/2021

SB/JM/SAR-IV/16.12.2021/3P/5C
USK/VR/SAR-I/12.01.2022/3P/7C