



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20009 of 2021

M.Kannan Muppidathi @ Kannan

... Petitioner/Not Known

Vs

The State rep.by,
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.433 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Rajesh Kumar,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

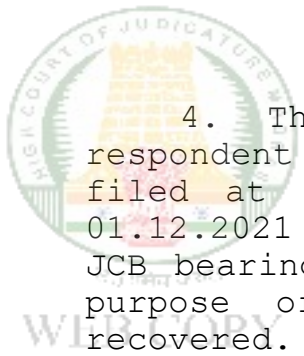
PRAYER :-For Anticipatory Bail in Crime No.433 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of I.P.C, in Crime No.433 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with some other accused persons illegally transported saral sand worth about Rs.2000/- (Rupees Two Thousand only) using their JCB bearing Registration No.TN 72 AJ 9370 and Tipper Lorries bearing Registration Nos.TN 37 BU 2880 and TN72 BR 7826.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Cr.No.428 of 2021 before the trial Court concerned.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that even though this petition has been filed at crime number not known stage, case was registered on 01.12.2021 in Crime No.433 of 2021. The petitioner is the owner of JCB bearing Registration No.TN 72 AJ 9370, which was used for the purpose of making illegal sand mining activity. Vehicle was recovered.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Cr.No.428 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Cheranmahadevi, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
15/12/2021

/ 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 JUDICIAL MAGISTRATE
CHERANMAHADEVI.

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

3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to MR.R.RAJESH KUMAR, Advocate (SR-9439[I] dated 17/12/2021)

ORDER

IN

CRL OP(MD) No.20009 of 2021

Date :15/12/2021

TM

MK/VR/SAR.II/22.12.2021/3P/6C