



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2022

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.3137 of 2022

Santhanathagam

... Petitioner/Accused No.2

Vs.

State Rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Cr.No.280 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy
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.280 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC and r/w Section 4(1)(1A), 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.280 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons have illegally transported the river sand without valid permission. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is the third anticipatory



bail petition. The petitioner's earlier anticipatory applications in Crl.O.P(MD)Nos.21021 of 2021 and 870 of 2022 were dismissed by this Court on 29.12.2021 and 24.01.2022, taking note of the bad antecedents of the petitioner. He further submitted that the petitioner is having two cases, which are similar in nature.

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5.Perused the Medical Records produced by the learned counsel for the petitioner.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner is suffering from some ailment, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned District Judge (Mines and Minerals Cases), 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 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/02/2022

/ TRUE COPY /

/ /2022

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.

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- TO
- 1 THE DISTRICT JUDGE
(MINES AND MINERALS CASES),
MADURAI.
 - 2 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-1196[I] dated 16/02/2022)

ORDER
IN
CRL OP(MD) No.3137 of 2022
Date :16/02/2022

RS/JM/SAR.1 (21.02.2022) 3P-5C