



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3413 of 2022

Ganapoominathan @ Ganaboominathan

... Petitioner/Accused
No.2

Vs

State rep.by
The Inspector of Police,
Ettaiyapuram Police Station,
Tuticorin District
(Crime No. 313 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Subash Babu M, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.313 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.313 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported three units of gravel sand. Hence, the complaint.



counsel on either side, has granted anticipatory bail to the petitioner and directed the petitioner to appear before the respondent police daily at 10.30 a.m until further orders.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner's mother had died on 30.09.2021, he was not in a position to comply with the condition imposed by this Court.

5. The learned Government Advocate (Crl. side) would submit that the petitioner is having one previous case for similar in nature in Crime No.99 of 2021.

6. Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the District Mineral Foundation Trust, Tuticorin District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.II, Kovilpatti.

8. On production of such receipt/acknowledgment, 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 No.II, Kovilpatti, 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 respondent police daily at 10.30 a.m., 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 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/-
17/02/2022

/ TRUE COPY /

/ /2022

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

SJI

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 NO.II,
KOVILPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
TUTICORIN DISTRICT.
4. THE INSPECTOR OF POLICE,
ETTAIYAPURAM POLICE STATION,
TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SUBASH BABU M Advocate SR.No.1273

ORDER
IN
CRL OP(MD) No.3413 of 2022
Date :17/02/2022