



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3772 of 2022

WEB COPY

Mahesh @ Chinnamuthu

... Petitioner/Accused No.2

Vs

State through
The Sub-Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
(Crime No.141 of 2021)

... Respondent/Complainant

For Petitioner : Mr.KA.Raamakrishnan, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.141 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

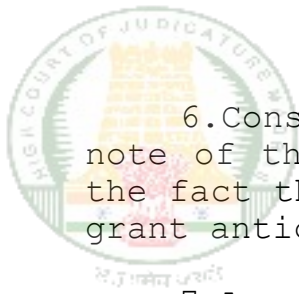
The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.141 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.08.2021, the petitioner along with other accused have illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned Additional Public Prosecutor would submit that the petitioner is having six previous cases for similar offence and he has furnished the list of the cases. He would further submit that property has been recovered.

4.It is evident that the petitioner is having six previous cases relating to river sand, but below one unit of river sand.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit, wherein, the petitioner has given an undertaking that he is ready to deposit any amount as fixed by this Court and he will not involve in similar or any other type of criminal cases in future.



6. Considering the above facts and circumstances and also the note of the undertaking affidavit filed by the petitioner and also the fact that property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of the District Mineral Foundation Trust, Thoothukudi District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Srivaikundam District.

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 learned Judicial Magistrate Court, Srivaikundam 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 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., 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/-

18/07/2022

/ TRUE COPY /

/07/2022

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, 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE, ALWARTHIRUNAGARI POLICE STATION, THOOTHUKUDI DISTRICT.
 - 4 THE OFFICER INCHARGE, DISTRICT MINERAL FOUNDATION TRUST, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3772 of 2022

Date :18/07/2022

RS/PN/SAR.1 (21.07.2022) 3P-6C