



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5815 of 2022

Soorasangu

... Petitioner/Accused (sole)

Vs

The State represented by
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.121 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.SENTHIL MURUGAN,
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl. Side)

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

PRAYER :- For Anticipatory Bail in Crime No.121 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.121 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition in Crl.O.P.(MD)No.12049 of 2021 seeking anticipatory bail and this Court, vide order dated 26.08.2021, has granted anticipatory bail by directing him to deposit a sum of Rs.12,500/- to the credit of CMPRF and other conditions. He would further submit that due to COVID-19 restrictions, he could not furnish the sureties and subsequently, he moved the extension petition and the same was rejected by this Court. Hence, he was constrained to file the above application again for anticipatory bail.



4.The learned counsel for the petitioner would also submit that the petitioner had already deposited a sum of Rs.12,500/- as directed by this Court vide order dated 26.08.2021.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has transported ½ unit of river sand illegally.

6.Considering the above facts and circumstances and also the facts that the petitioner was already granted anticipatory bail by this Court and that the petitioner had already deposited a sum of Rs.12,500/- as directed by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, 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, Paramakudi, 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.

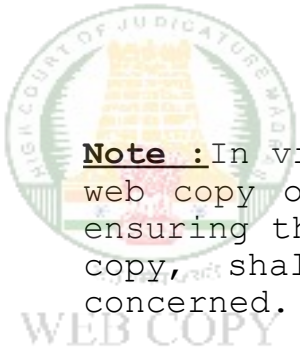
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
30/03/2022

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5815 of 2022

Date :30/03/2022

SA/SVR/SAR.3/04.04.2022/3P/5C