



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

Date : 07/04/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL.O.P(MD).No.5258 of 2022

Sivakumar

... Petitioner/1st Accused

Vs

State Rep.by
The Sub Inspector of Police,
Alangudi Police Station,
Pudukottai District.
(Cr.No.635 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Pooranachandran S,
Advocate.

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

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

PRAYER :-

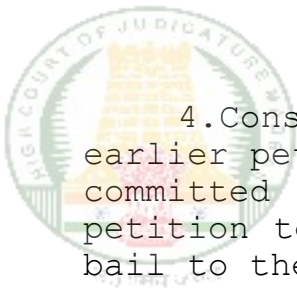
For Anticipatory Bail in Crime No.635 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC r/w Section 21(1)(2) of the Mines and Minerals (Development and Regulation) Act, in Cr.No.635 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons have illegally transported half unit of river sand without any valid permission. Hence, the complaint.

3.This is second anticipatory bail application. The petitioner's earlier application in Crl.O.P(MD)No.21057 of 2021 was dismissed on 29.12.2021 on the ground that the petitioner is having two previous cases is similar in nature. Now the learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner is having one case is similar in nature and another case is under IPC case. He further submitted that the petitioner already got bail in the previous case similar in nature.



4.Considering the facts and circumstances of the case since the earlier petition was dismissed on 29.12.2021 and no other offence is committed by this petitioner from the dismissal of the earlier petition to till date, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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5.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 Judicial Magistrate, Alangudi, 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 pay a sum of **Rs.7,500/- (Rupees Seven Thousand five hundred only) as non refundable amount to the account of Head Master, Government Higher Secondary School, Kottanathampatti, Melur Taluk, Madurai District (Canara Bank, Account No.3664101000207) within a period of one week from the date of receipt of a copy of this order.** The petitioner shall execute the sureties on showing the receipt of the said amount;

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

[d]the petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[e]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[f]the petitioner shall not abscond either during investigation or trial.

[g]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]**.



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

sd/-
07/04/2022

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/ /2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE SUB INSPECTOR OF POLICE
ALANGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
KOTTANATHAMPATTI, MELUR TALUK,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-3096[I] dated
07/04/2022)

ORDER
IN
CRL OP(MD) No.5258 of 2022
Date :07/04/2022

RS/VR/SAR.1 (12.04.2022) 3P-7C