



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

Date : 22/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP (MD) . No.7501 of 2022

Mari ... Petitioner/Accused No.1
Vs

The State represented by
The Sub Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime.No.142 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Sriharisuriya.I,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.142 of 2022 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
of IPC and Section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957, in Crime No.142 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 have illegally transported 1 1/2 unit of river sand by
using mini lorry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent and he has been falsely implicated in this
case. However, he would further submit that the petitioner without
prejudice to his right, is ready to deposit the amount that may be
imposed by this Court.

4.The learned Government Advocate (Criminal Side) appearing for
the respondent police would submit that the petitioner has
transported 1 1/2 unit of river sand illegally. He would further
submit this Court in Crl.OP.(MD)No.15704 of 2021, vide order dated



08.10.2021, has granted anticipatory bail to the co-accused and directed him to deposit a sum of Rs.22,500/(Rupees Twenty Two Thousand and Five Hundred Only) in favour of the District Green Committee, Ramanathapuram District.

5.Considering the facts and circumstances of the case and also considering the nature of the charges levelled against the petitioner and taking note of the fact that the co-accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Paramakudi.

7.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, 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 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/-
22/04/2022

/ TRUE COPY /

WEB COPY

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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

COPY TO:

THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.

+1. CC to M/S. SRIHARISURIYA.I Advocate SR.No.3698

ORDER
IN
CRL OP (MD) No.7501 of 2022
Date :22/04/2022

SS/SVR/SAR:I/28.04.2022 : 3P/7C