



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.8246 of 2022

Davidrajan

... Petitioner/Accused No.2

Vs

The State represented by
The Sub Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.231/2021..

... Respondent/Complainant

For Petitioner : M/s.Ramachandran.P,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.231/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section
379 IPC r/w 21(4) of Mines and Minerals (Development & Regulation)
Act, 1957, in Crime No.231 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that on 13.05.2021, the
petitioner along with other accused illegally transported 3 units of
soil mixed with stones by using tipper lorry. Hence, the complaint.

4. The learned counsel appearing for the petitioner submits
that this is the third application filed for anticipatory bail.
Earlier applications filed by the petitioner were dismissed by this
Court, on the ground that this petitioner is having three previous
cases pending against him. The learned counsel further submits that
the petitioner is an innocent and he is no way connected to the
alleged offence. Today(29.04.2022), he has produced the copy of the
certificate issued by the School stating that he has gifted
furniture worth Rs.23,000/- to the Government School, T.Aandipatti.



5. Considering the submission made by the learned counsel for the petitioner and also taking into consideration of the attitude of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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6. 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 Judicial Magistrate Court, Vadipatti on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge 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.

[a](i) the petitioner shall also file an affidavit before the respondent police that he will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/04/2022

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUB INSPECTOR OF POLICE
VADIPATTI POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAMACHANDRAN P Advocate SR.No.4247

ORDER

IN

CRL OP(MD) No.8246 of 2022

Date :29/04/2022

SS/JM/SAR:III/17.05.2022 : 3P/6C