



WEB COPY

CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.06.2022

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD) . No.8522 of 2022

S.Kumarandi

...Petitioner/Accused No.16

Vs

1. The Sub Inspector of Police,
Kallidaikurichi Police Station,
Kallidaikurichi,
Tirunelveli District.

2. The State rep.by,
The Inspector of Police,
CBCID,
Tirunelveli.
in Crime No.2 of 2021

... Respondents/
Defacto Complainants

For Petitioner : Mr.A.Haja Mohideen
Advocate.

For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

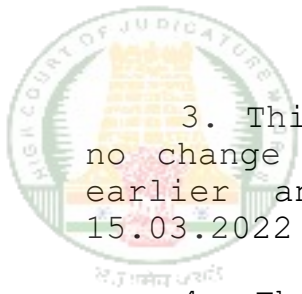
PRAYER :-

For Anticipatory bail in Crime No.2 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the second respondent Police for the offence punishable under Section 379 IPC, altered into Section 120B, 379 IPC r/w. Section 21(1)(IV) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.2 of 2021 on the file of the second respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused have illegally transported 11,046 units of river sand to another State.



3. This is fifth anticipatory bail petition. Since there is no change in circumstances of the case, this Court dismissed the earlier anticipatory bail petitions on 23.03.2021, 26.08.2021, 15.03.2022 and 13.04.2022 respectively.

4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he must be provided an opportunity to establish his case. He further submits that the petitioner, in order to prove his *bona fide*, has taken a demand draft for a sum of Rs.3,00,000/- drawn in favour of the second respondent, namely, the Inspector of Police, CBCID, Tirunelveli. He also produced the demand draft before this Court. This Court is not inclined to accept the said demand draft.

5. However, considering the representation made by the learned counsel for the petitioner and earnest efforts taken by the petitioner in order to prove his *bona fide*, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed. 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 No.I, Tirunelveli, 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:

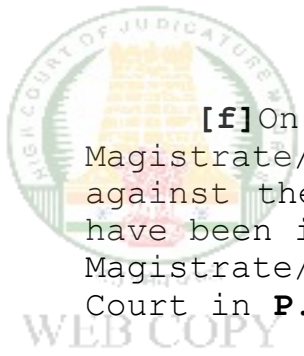
[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakh only) to the credit of Crime No.2 of 2021 before the learned Judicial Magistrate No.I, Tirunelveli, within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c] the petitioner shall report before the second respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;



[f] 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]** and

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

sd/-
22/06/2022

/ TRUE COPY /

29/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE SUB INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
KALLIDAIKURICHI,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
CBCID,
TIRUNELVELI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.A.HAJA MOHIDEEN, Advocate SR.No.5940

ORDER
IN
CRL OP(MD) No.8522 of 2022
Date : 22/06/2022

RK/SVR/SAR-IV/29.06.2022 : 3P/7C