



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) .No.9583 of 2022

Vellaisamy

... Petitioner/Accused No.2

Vs

State rep.by

The Sub Inspector of Police,
Illupur Police Station,
Pudukkottai District.
(Crime No.119 of 2022).

... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr.No.119 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.119 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have transported 1/4 unit of river sand illegally by using Tractor. Hence, the complaint.

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



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is almost completed and also submitted that the petitioner is having one previous case.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned District Munsif Cum Judicial Magistrate, Illuppur, 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.10,000/- (Rupees Ten Thousand only)** to the credit of District Siddha Medical Officer CCRIPKM (Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch) within a period of two weeks, without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of Eight 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]**.

Sd/-
19/05/2022

/ TRUE COPY /

/ /2022

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



1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ILLUPPUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ILLUPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

ORDER
IN
CRL OP (MD) No.9583 of 2022
Date :19/05/2022

SP/VR/SAR IV/24/05/2022/3P/6C