



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10484 of 2022

Prakash

... Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(Crime.No.819 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Satheshkumar B, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

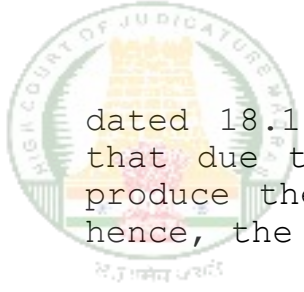
For Anticipatory Bail in Crime No.819 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.819 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported ½ unit of gravel sand by using Tractor. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition for anticipatory bail in Crl.O.P.(MD)No.15170 of 2020 and the same was allowed by this Court



dated 18.12.2020 with certain conditions. He would further submit that due to some personal inconvenience, the petitioner could not produce the sureties within the time prescribed by this Court and hence, the petitioner is constrained to move the above application.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner and other accused have transported ½ unit of gravel sand illegally.

5.Considering the above facts and circumstances and also considering the fact that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of the District Mineral Foundation Trust, Virudhunagar District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.II, Srivilliputhur.

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 Judicial Magistrate No.II, Srivilliputhur, 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.

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Sd/-
14/06/2022

/ TRUE COPY /

20/06/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.
 4. THE INSPECTOR OF POLICE,
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SATHESHKUMAR B Advocate SR.No.5649

ORDER
IN
CRL OP(MD) No.10484 of 2022
Date :14/06/2022

SP/JM/SAR II/20/06/2022/3P/7C