



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

Date : 13.07.2022

PRESENT

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

CRL OP(MD). No.11240 of 2022

WEB COPY

Sethuraman @ Sethuramu

...Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kadaladi Police Station,
Kadaladi Taluk,
Ramanathapuram District.
Cr.No.106/2021

... Respondent/complainant

For Petitioner : Mr.Raja Karthikeyan
Advocate

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

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

PRAYER :-

For Anticipatory bail in Crime No.106 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 respondent Police for the offence punishable under Sections 379 IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.106 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 illegally transported river sand by using a Bullock Cart. Hence, the complaint.

3. This is the fourth anticipatory bail petition. Considering the nature of offence and the antecedents of the petitioner, this Court dismissed the earlier anticipatory bails petitions on 08.07.2021, 01.09.2021 and 15.02.2022 respectively.

4. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner, in order to show his *bona fide*, has donated a sum of Rs.35,000/- to the Government Primary School, Appanoor, Kadaladi, for renovation works. He also produced the acknowledgement issued by the Headmaster of the said School.



5. The learned Additional Public Prosecutor appearing respondent Police has also confirmed the same.

6. Considering the facts and circumstances of the case and also considering the conduct of the petitioner in donating a sum of Rs.35,000/- to the Government Primary School, Appanoor, Kadaladi, for renovation works, 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, Kadaladi, 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.;

[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]** and

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

sd/-

13/07/2022

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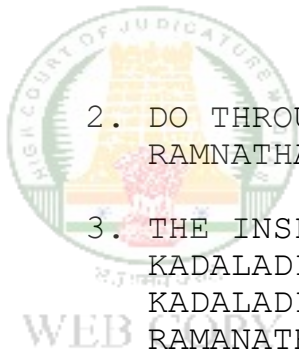
/07/2022

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

gk

To

1. THE JUDICIAL MAGISTRATE, KADALADI.



2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMNATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
KADALADI TALUK,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.RAJA.KARTHIKEYAN Advocate SR.No.7011

ORDER

IN

CRL OP(MD) No.11240 of 2022

Date :13/07/2022

RK/SVR/SR-I(15/07/2022) 3P/6C