



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16161 of 2022

P.B.Chinnavenkata Raja

... Petitioner/6th Accused

Vs

The State represented by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.361/2021).

... Respondent/Complainant

For Petitioner : M/s.P.ATHIMOOLAPANDIAN
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.361/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1), 21(4) of Mines and Mineral (Development and Regulation) Act, 1957 in Cr.No.361 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A6 and other accused have illegally transported one unit of gravel sand in a Tractor, from the quarry, without proper permit. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner/A6 has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that he is ready to abide any condition imposed by this Court and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are six accused in this case. Final report has been filed

<https://www.mhc.tn.gov.in/judis>



before the learned Judicial Magistrate and the same was in cognizance in P.R.C.No.21 of 2022. Accused Nos.1 to 5 were already released on bail and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of offence and also considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.361 of 2021 before the learned Judicial Magistrate cum District Munsif Court, Sivagiri, Tenkasi District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate cum District Munsif Court, Sivagiri, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/-
07/09/2022

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/ TRUE COPY /

/09/2022

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

TO

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

+1. CC to M/S. ATHIMOOLAPANDIAN.P Advocate SR.No.9830

ORDER

IN

CRL OP(MD) No.16161 of 2022
Date :07/09/2022

SA/SBN/SAR.2/14.09.2022/3P/C