



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

Date : 20/09/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16742 of 2022

Palpandi

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No. 125 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Pandian M,
Advocate.

For Respondent : Mr.Kottaisamy,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.125 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Sections 379 IPC, 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.125 of 2021, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner illegally transported 1 ½ units of sand. Hence, the complaint.

4.The learned counsel appearing for the petitioner submits that this is the fourth application filed for anticipatory bail. Earlier applications filed by the petitioner were dismissed by this Court, on the ground that this petitioner is having three previous



cases pending against him. The learned counsel further submitted that the petitioner has donated furniture worth Rs.30,000/- to the Government School at Ganapathy Sundara Natchiarapuram, Rajapalayam. A receipt dated 19.09.2022 issued by the School Head Master is also submitted before this Court.

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5.This Court considered the submission of the learned counsel for the petitioner.

6.It is to be noted that even after dismissal of three applications filed by the petitioner for anticipatory bail, the respondent police has not shown any indulgence in securing the petitioner.

7.Considering the attitude of the petitioner in donating furniture worth Rs.30,000/- to the Government School at Rajapalayam and the conduct of the respondent in not securing the petitioner even after dismissal of three applications, this Court is inclined to grant anticipatory bail to the petitioner.

8.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 Judicial Magistrate Court, Rajapalayam on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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.

[a](i) the petitioner shall also file an affidavit before the respondent police that he will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[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 c is
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 abscond, a fresh FIR can be
registered under Section 229-A IPC.

sd/-
20/09/2022

/ TRUE COPY /

/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.PANDIAN M, Advocate (SR-10390[I] dated
22/09/2022)

ORDER
IN
CRL OP(MD) No.16742 of 2022
Date :20/09/2022

vrn
USK/SBN/SAR-II/23.09.2022/3P/6C