



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

Date : 22/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.17035 of 2022

WEB COPY

Vinoth, ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.425 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Surliraja P,
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.425 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 379 r/w
21(1) of Mines and Minerals (Development and Regulation) Act, 1957
in Crime No.425 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 16.09.2022, the
petitioner has illegally transported ¼ unit of river sand. Hence,
the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. However, he would further submit that the petitioner shall
abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent police would submit that the petitioner has transported ¼
unit of river sand illegally. He would further submit that the
petitioner is having one previous case, which is similar in nature.

5.Considering the facts and circumstances of the case and also
the nature of the offence, this Court is inclined to



grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of **Rs.2,000/- (Rupees Two Thousand only)** to **Anbagam, Race Course Road, K.Pudur, Madurai 600 007**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

7. On production of such receipt, 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, Thiruvaiyaru, Thanjavur 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 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 until further orders.

(c) the petitioner shall not tamper with 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/-
22/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate,
Thiruvaiyaru, Thanjavur District .
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
Budalur Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Anbagam, Race Course Road, K.Pudur, Madurai 600 007.

+1 CC to M/s.M/S.SURLIRAJA P, Advocate (SR-10407[I] dated 23/09/2022)

ORDER
IN
CRL OP(MD) No.17035 of 2022
Date : 22/09/2022

TR/GB/SAR-II(30.09.2022) 3P 7C