



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

Date : 30/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.17190 of 2022

Pandi @ Tharmapandi

... Petitioner/Accused No.3

Vs.

The State rep.by,
The Sub Inspector of Police,
Sakkottai Police Station,
Sivagangai District
(Crime No. 148 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Palaniyandi Na,
Advocate

For Respondent : Mr.Vaikkam Karunanidhi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 148 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.148 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.08.2022, the accused persons were found in possession of 4 ½ units of river sand, without any valid permit, in the vehicle. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has not committed any such offence, as alleged by the prosecution. There is no previous case against the petitioner. In the bail petition filed by A2, the prosecution has admitted that there is no previous case against the accused and this



Court has granted anticipatory bail for A2, in Crl.O.P.(MD) No.16271 of 2022, dated 22.09.2022. Earlier petition filed by the petitioner in Crl.O.P.(MD)No.16271 of 2022, was dismissed by this Court, on 13.09.2022 and prayed the petitioner to be released on anticipatory bail.

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4. On the side of prosecution, it is stated that at the time of hearing of the earlier petition, it was wrongly mentioned that there was a previous case against the petitioner, but, only the vehicle was involved in the previous case. An undertaking affidavit to that effect was filed on the side of the prosecution and prayed the petition to be dismissed.

5. Considering the nature of the case and considering the fact that there is no bad antecedents against the petitioner and also considering the fact that co-accused was 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 this Court directs the petitioner to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.165 of 2022, before the Principal District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District.

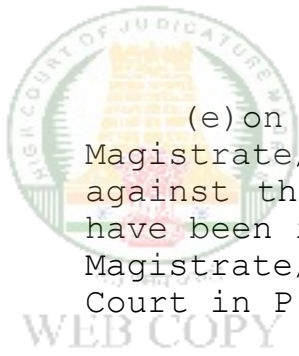
7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Principal District Munsif cum Judicial Magistrate, Karaikudi, Sivagangai District within a period of fifteen days from the date of receipt of a copy of this order, 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 one month and thereafter, as and when required;

(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, FIR can be registered under Section 229-A IPC.

sd/-
30/09/2022

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/10/2022

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

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 PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-10892[I] dated 30/09/2022)

ORDER
IN
CRL OP(MD) No.17190 of 2022
Date : 30/09/2022

LS
USK/SBN/SAR-I/11.10.2022/3P/6C

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