



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/09/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17238 of 2022

Eswaran

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(Cr No.18/2021).

... Respondent/Complainant

For Petitioner : M/s.MUTHUVELSAMY.N,
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 Cr No.18/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime.No.18 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that petitioner has transported ¾ unit of river sand illegally by using JCB. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and his name has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) would submit that the property has been recovered and there is no previous case against the petitioner. He would further submit that the investigation of the case is pending and strongly opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case, considering the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 No.II, Sivakasi, 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 is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the Indian Association for Blind, Alagar Koil road, Sundararajanpatti, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/09/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.2,
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
M.PUDHUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE
INDICAN ASSOCIATION FOR BLIND,
ALAGAR KOIL ROAD,
SUNDARARAJANPATTI, MADURAI.

+1. CC to M/S.MUTHUVELSAMY.N Advocate SR.No.10789

ORDER

IN

CRL OP(MD) No.17238 of 2022

Date :27/09/2022

TRP

SA/VR/SAR. /10.10.2022/3P/7C