

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

Date : 28/09/2022

PRESENT

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRL OP(MD). No.17348 of 2022

A.Balasubramanian

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Pettai Police Station,
Tirunelveli.
(In Crime No.219/2022).

... Respondent/Complainant

For Petitioner : M/s.Angusamy.V,
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.219/2022 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 of IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.219 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of saral sand without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner shall abide any condition imposed by this Court and he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner and other accused have illegally transported one unit of Saral Sand. He would further submit that the petitioner is not having any previous case and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of the offence and also the fact the petitioner is not having any bad antecedents, 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 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 No.V, Tirunelveli, 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 Aadhaar card or bank pass book to ensure their identity.

[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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/09/2022

/ TRUE COPY /

/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 JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-10638[I] dated 28/09/2022)

ORDER
IN
CRL OP(MD) No.17348 of 2022
Date :28/09/2022

CP
USK/SBN/SAR-II/12.10.2022/3P/6C