



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.17357 of 2022

WEB COPY

1. Sankar
2. Subbaiah

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Sub Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Crime No. 163/2022.

... Respondent/Complainant

For Petitioners : M/s.Ganapathi Subramanian.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.163 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1987, in Crime No.163 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported one unit of sand without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. However, he would further submit that the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners have illegally transported one unit of sand. He would further submit that the petitioner is having two previous cases of similar in nature and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.



5.Considering the facts and circumstances of the case so considering 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 the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned District Munsif cum Judicial Magistrate, Illupur.

7.On production of such receipt/acknowledgment, 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 District Munsif cum Judicial Magistrate, Illupur, 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, 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.

WEB COPY

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
3. THE SUB INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MELUR ROAD,
UTHANGUDI, ULAGANERI, MADURAI.

ORDER
IN
CRL OP(MD) No.17357 of 2022
Date :28/09/2022

RK/GB/SAR- (11/10/2022) 3P/6C