



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

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PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18041 of 2022

Sivagnanam

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
Cr. No. 344/2022.

... Respondent/Complainant

For Petitioner : Mr.S.Sekar
Advocate.

For Respondent : Mr.M.Sakthi Kumar
Govt. Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 344 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.344 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported three units of gravel sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. The earlier application filed by the petitioner in Crl.O.P.(MD)No.17416 of 2022, was dismissed on 29.09.2022. He further submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would further submit that the petitioner, without



prejudice to his rights, is ready to deposit the amount that he is liable to be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is having seven previous cases.

5. Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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, Illuppur, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall pay a sum of **Rs.40,000- (Rupees Forty Thousand only)** to the credit of **Immage Public Charitable Welfare Trust (Account No:-831270187, IFSC Code:- IDIB000T016, Indian Bank, Thevaram Branch)**, within a period of two weeks without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

(c) the petitioner shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.**, for a period of four weeks, and thereafter, as and when required for interrogation.

(d) the petitioner shall not tamper with the 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/10/2022

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/10/2022

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

vsm

TO

1. THE JUDICIAL MAGISTRATE, ILLUPPUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI
3. THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
IMMAGE PUBLIC CHARITABLE WELFARE TRUST,
THEVARAM.

+1 CC to M/s.S.SEKAR, Advocate (SR-11175[I] dated 10/10/2022)

ORDER
IN
CRL OP(MD) No.18041 of 2022
Date : 07/10/2022

RK/SVR/SAR-2 (10/10/2022) 3P/7C