



WEB COPY



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

Date : 18/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.18478 of 2022

Thipakaran

... Petitioner/Petitioner/
Accused No.1

Vs

State rep.by
The Inspector of Police,
Gandamanur Vilaku Police Station,
Theni District.
(Crime No.149 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Arun.B, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.149 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 Section 379 IPC r/w 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.149 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.08.2022, the accused persons were found in possession of three units of sulai sand, without any valid permit. Hence, the complaint.



3. On the side of the petitioners, it is stated that the petitioners are innocents and not committed any such offence, as alleged by the prosecution. The property was recovered and there is no necessity for custodial interrogation. Hence, prays to release them on anticipatory bail.

4. On the side of prosecution, it is stated that first and second petitioner are having one previous case of similar nature and charge sheet was also filed and prayed to dismiss the petition.

5. Considering the nature of the offence and the facts and circumstances of this case, considering the fact that charge sheet was already filed by the prosecution, this Court is inclined to release the petitioner on anticipatory bail on the following conditions:

6. Accordingly, this petition is allowed on condition that the petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only), to the credit of Crime No.149 of 2022 before the learned Judicial Magistrate, Aundipatti, Theni District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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]**.

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

WEB COPY

Sd/-
18/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

TO

1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
GANDAMANUR VILAKKU POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARUN B Advocate SR.No.11561

ORDER
IN
CRL OP(MD) No.18478 of 2022
Date :18/10/2022