



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18742 of 2022

Alagan

... Petitioner/Accused No.1

Vs

The State Rep. By,

**(*)The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.**

(Crime No.45 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balaji S,
Advocate.

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

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

PRAYER :-

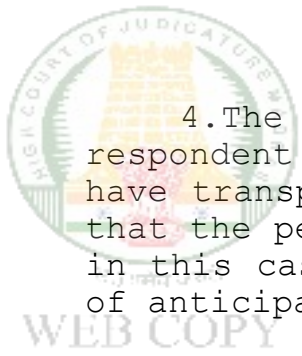
For Anticipatory Bail in Crime No.45/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.45 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 ½ unit of 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 before the respondent police would submit that the petitioner and other accused have transported ½ unit of sand illegally. He would further submit that the petitioner is having eight previous cases and investigation in this case is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also 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 credit of Annai Sathya Ammaiyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Usilampatti, Madurai District.

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 Judicial Magistrate No.II, Usilampatti, Madurai District, 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 FIF registered under Section 229-A IPC.

sd/-
19/10/2022

(*) AMENDED as per order of this Court dated 23/11/2022 in CRL MP (MD)No.14409/2022 in CRL OP(MD) No.18742/2022.

Time is extnded for further two weeks for executing sureties, from the date of receipt of a copy of the amended order.

/ TRUE COPY /

/12/2022

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 19/10/2022 ALREADY DESPATCHED.

1. THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
ANNAI SATHYA AMMAIYAR MEMORIAL GOVERNMENT
HOME FOR DESTITUTE CHILDREN,
DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI-625 020.

+1 CC to M/s.S.BALAJI, Advocate (SR-14409[I] dated 24/11/2022)

ORDER IN
CRL OP(MD) No.18742 of 2022
Date :19/10/2022

USK/GB/SAR-II/01.11.2022/3P/7C
CP

USK/VR/SAR-II/06.12.2022/3P/8C

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