



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

Date : 28/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.19156 of 2022

Prabhu

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(Crime No.270/22).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar
Advocate.

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

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

PRAYER :-

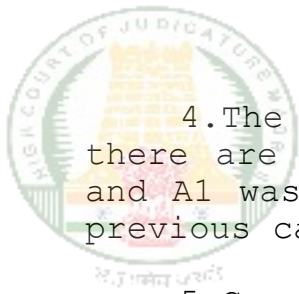
For Anticipatory Bail in Crime No.270/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
379 of IPC read with 21(1) Mines and Minerals (Development and
Regulation) Act, 1957 in Cr.No.270 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was in
illegal possession of 1/4 unit of river sand in a bullock cart.
Hence the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner has not committed any offence as alleged by the
prosecution. The Co-accused A1 was already released on bail. He has
been falsely implicated in this case and pray the petitioner to be
released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submit at there are totally two accused in this case. The petitioner is A2 and A1 was already released on bail. The petitioner is having two previous cases and pray the petition to be dismissed.

5.Considering the facts and circumstances of the case and considering the nature of the offence and considering the fact that though the earlier petition was dismissed on 07.09.2022 itself, the respondent has not taken any steps to arrest the petitioner. Hence this Court is inclined to release the petitioner on anticipatory bail on the following grounds:

6.Accordingly, this petition is allowed on condition that the petitioner shall pay a sum of Rs.3750/- (Rupees Three Thousand Seven Hundred and Fifty only), to the credit of Crime No.270 of 2022 before the learned Judicial Magistrate, Lalgudi, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, on condition that the petitioner 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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]*; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/10/2022

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/ TRUE COPY /

/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
LALGUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-12103[I] dated
31/10/2022)

ORDER
IN
CRL OP(MD) No.19156 of 2022
Date :28/10/2022

PNN
USK/SSS/SAR-II/01.11.2022/3P/6C