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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/10/2022

PRESENT

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

**CRL OP(MD) . No.19142 of 2022**

Nallathambi @ Nallusamy

... Petitioner/Accused No.2

Vs

State rep.by  
The Inspector of Police,  
Vengamedu Police Station,  
Karur District.  
(Crime No.628 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Rajeshwaran K, 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.628 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.628 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported gravel sand, to the tune of Rs.18,000/-, without any valid permit. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the



prosecution. He would further submit that the petitioner shall abide any condition imposed by this Court. The co-accused was already enlarged on bail. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the accused had transported mineral illegally. The petitioner is not having any bad antecedent at his credit. In this case, investigation is still pending and hence, strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and the facts that the co-accused was already enlarged on bail, that the petitioner is not having any bad antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.4,000/- (Rupees Four Thousand only) to the credit of Anbagam, Race Course Road, K.Pudur, Madurai 600 007**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

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 Judicial Magistrate No.I, Karur, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-  
28/10/2022

/11/2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.I,  
KARUR.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,  
VENGAMEDU POLICE STATION,  
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE OFFICER INCHARGE, ANBAGAM,  
RACE COURSE ROAD, K.PUDUR,  
MADURAI-600 007.

+1. CC to M/S.RAJESHWARAN K Advocate SR.No.12086

ORDER  
IN  
CRL OP(MD) No.19142 of 2022  
Date :28/10/2022