



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

Date : 09/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19789 of 2022

WEB COPY

Dineshkumar

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.441/2022)

... Respondent/Complainant

For Petitioner: M/s.Balakarthick S,
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.441/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Section
379 of IPC, in Crime No.441 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has
illegally transported one unit of savudu 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. He would further submit that
the petitioner shall abide any condition imposed by this Court and
hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the
respondent police would submit that the petitioner has transported
savudu sand illegally. He would further submit that the



petitioner is not having any previous cases and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Veda sandur, 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:0

[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 FIR can be registered under Section 229-A IPC.

sd/-

09/11/2022

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/11/2022

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



TO

1. The Judicial Magistrate,
Vedasandur.

2. -do-Through The Chief Judicial Magistrate,
Dindigul District.

3. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19789 of 2022

Date :09/11/2022

RD/BUC/SAR-I (22/11/2022) 3P 5C