



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

PRESENT

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

CRL OP (MD) . No.19902 of 2022

S.Vadivel

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No.266/2022.

... Respondent/Complainant

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

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

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

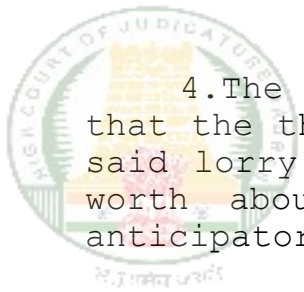
PRAYER :-For Anticipatory Bail in Crime No. 266/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and Section 21(1) & 21(2) of Mines and Minerals (Development and Regulation), Act, 1957 in Crime No.266 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of a tipper lorry and on 02.11.2022, the said lorry was involved to carry 6 unit of Sakkai Stone. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that without consent of the petitioner, the driver of the lorry has loaded the Sakkai Stone. He would further submit that the petitioner is ready to abide by condition imposed by this Court. Hence, he seeks anticipatory bail.



4.The learned Government Advocate (criminal side) would submit that the petitioner is the owner of the offending lorry and the said lorry was carrying 6 unit of Sakka Stone illegally, which is worth about Rs.8,000/-. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of the offence levelled against the petitioner, 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 **High Court Legal Services Committee, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thirumayam.

7.On production of such receipt, 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, Thirumayam 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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



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



sd/-
10/11/2022

/ TRUE COPY /

/11/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

COPY TO
THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI,

+1 CC to M/s.S.SANKAR, Advocate (SR-12884[I] dated 11/11/2022)

ORDER
IN
CRL OP(MD) No.19902 of 2022
Date :10/11/2022

SKN
MK/SSS/SAR 1/17.11.2022/3P/7C