



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

Date : 11/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20037 of 2022

WEB COPY

Balukannan @ Palkannu

... Petitioner/Accused No.3

Vs

The State Rep.by
The Sub Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Crime No.127 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian P,
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.127 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Section 379
IPC and r/w. Section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1987 in Cr.No.127 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and other
accused have illegally transported two units of river sand worth
about Rs.16,000/- and the same was recovered. 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 and his name has been falsely implicated
in this case.

4.The learned Government Advocate(Crl.Side) would submit that
the property was recovered and the petitioner herein is having one
case in similar nature. He would further submit that the



investigation of the case is pending and he strongly op. to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the property was recovered, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif - cum - Judicial Magistrate, Illupur 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 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 is directed to pay a sum of Rs.4,000/- (Rupees Four Thousand only) to the Madurai Bench of Madras High Court Dispensary operated by the Registrar (Admin) **(Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

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

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

sd/-
11/11/2022

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WEB COPY

/11/2022

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

TRP

TO

1. The District Munsif - cum - Judicial Magistrate,
Illupur.
2. -do-Through The Chief Judicial Magistrate,
Pudukkottai District
3. The Sub Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Registrar (Admin),
Madurai Bench of Madras High Court, Madurai.
2. The Section officer,
Accounts Section,
Madurai Bench Of Madras High Court, Madurai.
3. The Officer In-Charge,
Dispensary,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.20037 of 2022
Date :11/11/2022

RD/SSS/SAR-II (23/11/2022) 3P 8C