



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

Date : 14/11/2022

PRESENT

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

CRL OP(MD) . No.20145 of 2022

Esakki Pandi

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Pettai Police Station,
Tirunelveli City.
(Crime No.192/2022).

... Respondent/Complainant

For Petitioner : M/s.Ramasubbu V.
Advocate.

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

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

PRAYER :-

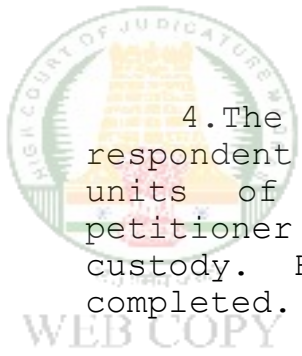
For Anticipatory Bail in Crime No.192/2022 on the file of the
Respondent Police.

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 Sections 379 and
Section 21(4) of Mines and Minerals (Development and Regulation)
Act, in Crime No.192 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused have illegally transported 6 units of red sand worth
about Rs.18,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. He would further submit that no previous case is pending
against the petitioner. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner has transported 3 units of river sand illegally worth about Rs.18,000/-. The petitioner is not having previous case. Al was arrested and still in custody. However, the investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported 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.3,000/- (Rupees Three Thousand only)** to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.V, Tirunelveli.

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 No.V, Tirunelveli, 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;



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

sd/-
14/11/2022

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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 NO.V,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

ORDER
IN
CRL OP(MD) No.20145 of 2022
Date :14/11/2022

dss
USK/SSS/SAR- /25.11.2022/3P/6C