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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.20634 of 2022

R.Velayutham

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pulivalam Police Station,
Trichy District.
Crime No. 153 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mohan Gandhi S M,
Advocate.

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

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

PRAYER :-

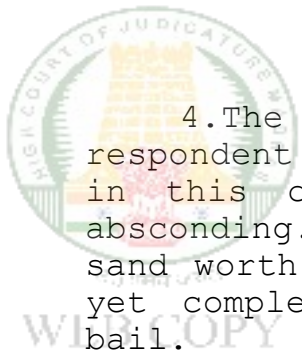
For Anticipatory Bail in Crime No. 153 of 2022 on the file of the respondent Police.

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 Sections 379 of IPC and Section 24(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.153 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 1 unit of gravel sand worth about Rs.3,000/-. 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. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing before the respondent police would submit that totally 5 accused are involved in this case. The petitioner was arrayed as A1. A3 is still absconding. The petitioner has illegally quarried 1 unit of gravel sand worth about Rs.3,000/-. 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 nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.500/- (Rupees Five Hundred only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755,IFSC.CODE:IDIB000H040 Branch High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thuraiyur, Trichy.

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, Thuraiyur, Trichy, 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 as and when required for interrogation;**

(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/-
22/11/2022

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

DSS

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, THURAIYUR, TRICHY.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE INSPECTOR OF POLICE, PULIVALAM POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MADURAI BENCH HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-13420[I] dated 22/11/2022)

ORDER
IN
CRL OP(MD) No.20634 of 2022
Date : 22/11/2022

RK/BUC/SAR- 2(08/12/2022) 3P/7C