



WEB COPY



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

Date : 28/11/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

**CRL OP(MD) .No.20970 of 2022**

Rajadurai

... Petitioner/Accused  
Rank Not Known

Vs.

State rep.by  
The Inspector of Police,  
Kollidam Police Station,  
Trichy District.  
(Crime No.184 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan, Advocate.

For Respondent : Mr.M.Vaikam Karunanithi,  
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.184 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.184 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 10.08.2022, the accused was found in possession of two cement bags of river sand, without any valid permit. Hence, the complaint.



3. On the side of the petitioner, it is stated that the petitioner is innocent and has not committed any such offence, as alleged by the prosecution. Hence, prays to release him on anticipatory bail.

4. On the side of the prosecution, it is stated that petitioner is having eight previous cases, out of which, one case is similar in nature and prayed to dismiss the petition.

5. Considering the nature of the case and considering that though the earlier anticipatory petition was dismissed on 14.09.2022 itself, the respondent police has not chosen to secure the accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.184 of 2022 before the learned Judicial Magistrate, Srirangam, Trichy District, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

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, Srirangam, Trichy District, 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 Aadhaar card or bank pass book to ensure their identity.

**[b]** the petitioner shall report before respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

**[c]** the petitioner shall not tamper with the evidence or witness either during investigation or trial.

**[d]** the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

**[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 petitioners 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.

WEB COPY

Sd/-  
28/11/2022

/ TRUE COPY /

/12/2022  
Sub-Assistant Registrar (C.S.II)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

vsd

TO

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

+1. CC to M/S.SIVABALAN K Advocate SR.No.13939

ORDER  
IN  
CRL OP(MD) No.20970 of 2022  
Date :28/11/2022

SP/BUC/SAR II/07/12/2022/3P/6C