



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20920 of 2022

Karunanithi

... Petitioner/A3

Vs

The State represented by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Cr.No.51/2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji A,
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.51/2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 379 of
IPC(Sand Theft)r/w 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.51 of 2022, on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other
accused have illegally transported three units of river sand without
any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any
offence as alleged by the prosecution. He would further submit that
co-accused was already granted anticipatory bail. Further, the
petitioner shall abide any condition imposed by this Court and
hence, he may be granted anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing before the respondent police would submit that the petitioner and other accused have transported three units of river sand illegally. He would further submit that co-accused was already granted anticipatory bail. The petitioner is having twelve previous cases, out of which, seven cases are similar in nature and investigation in this case is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) **to the credit of Dispensary, Madurai Bench of Madras High Court operated by the Registrar (Admin), (Account No:-6960810645, IFSC Code:- IDIB000H040, Indian Bank),** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal District and Sessions Judge, Srivilliputhur.

7.On production of such receipt/acknowledgment, 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 Principal District and Sessions Judge, Srivilliputhur, 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., until further orders.

[c]the petitioner shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/11/2022

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/ TRUE COPY /

/12/2022

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

TO

- 1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:

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

+1. CC to M/S.BALAJI A Advocate SR.No.13751

ORDER

IN

CRL OP(MD) No.20920 of 2022

Date :25/11/2022

SS/SSS/SAR II/16/12/2022/ 3P 8C