



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21065 of 2022

M.Mathanraj,

... Petitioner/Accused No.3

Vs

The State Rep. by,
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
Crime No.639 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Veerapandi P,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.639 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.639 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 1/2 unit of river sand worth about Rs.4,000/- without getting any valid permission. 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 and the co-accused (A1 & A2) were already granted anticipatory bail by this Court in Crl.OP(MD)No.19208 of 2022, dated 31.10.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused have illegally transported 1/2 unit of river sand worth about Rs.4,000/-. He would further submit that no previous case is pending against the petitioner and the co-accused were already granted anticipatory bail by this Court. 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 facts that the co-accused (A1 & A2) were already granted anticipatory bail by this Court and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

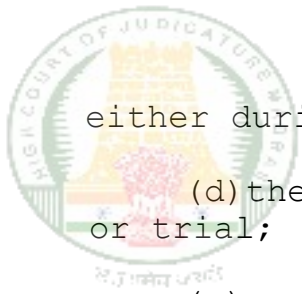
6.Accordingly, the petitioner shall pay a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC.CODE: IDIB000H040 Branch High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Kumbakonam.

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 District Munsif cum Judicial Magistrate No.II, Kumbakonam, 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/-
29/11/2022

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

TO

1. The District Munsif Cum Judicial Magistrate No.II, Kumbakonam..
2. Do-Through The Chief Judicial Magistrate, Thanjore District.
3. The Inspector of Police,
Nachiyarkovil Police Station, Thanjavur
District. Crime No.639 of 2022..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Madurai bench High Court Advocate Association',
Madurai Bench of Madras high Court, Madurai.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-14032[I] dated 30/11/2022)
ORDER IN
CRL OP(MD) No.21065 of 2022
Date : 29/11/2022

TR/VR/SAR-II(07.12.2022) 3P 7C