



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21146 of 2022

Selvarajan

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No. 219 of 2022).

... Respondent/Complainant

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

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

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

PRAYER :-

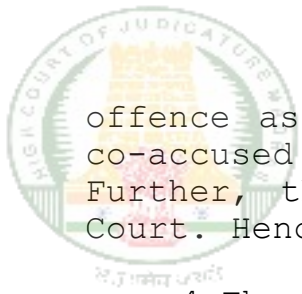
For Anticipatory Bail in Crime No. 219 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.219 of 2022, seeks anticipatory bail.

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

3.The learned counsel for the petitioner would submit that the petitioner does not indulge in any illegal activity of mining and he transported only an Agricultural soil for agriculture purpose. He further submit that the petitioner has not committed any



offence as alleged by the prosecution and also submitted. The co-accused was already granted anticipatory bail by this Court. Further, the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

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

5. Considering the facts and circumstances of the case and considering the nature of the offence alleged and also the grant of anticipatory bail to the co-accused, 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/acknowledgment before the learned Judicial Magistrate, Radhapuram.

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 Judicial Magistrate, Radhapuram, 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/-

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/ 12 /2022

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

cp

TO

- 1.The Judicial Magistrate, Radhapuram.
- 2.-do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
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.21146 of 2022

Date :30/11/2022

RD/BUC/SAR-II(08/12/2022) 3P 6C