



WEB COPY



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

Date : 30/11/2022

PRESENT

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

CRL OP (MD) . No.21171 of 2022

Raja

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thuriayur Police Station,
Trichy District.
(Crime No.283 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Anandakumar N, 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.283 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.283 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported eighteen cubic meter of ordinary sand. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused were released on bail and anticipatory bail and the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner along with other accused have transported eighteen cubic meter of ordinary sand illegally. He would further submit that the co-accused were already released on bail and anticipatory bail and the petitioner is not having any previous cases and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of the offence alleged and also the facts that the petitioner is not having any bad antecedents and the co-accused were already released on bail and anticipatory 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.3,000/- (Rupees Three 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 Judicial Magistrate, Thuraiyur.

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, Thuraiyur, 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/-
30/11/2022

/ TRUE COPY /

/12/2022

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

cp

TO

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

COPY TO:

1. THE REGISTRAR (ADMN.),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE OFFICER INCHARGE, DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ANANDAKUMAR N Advocate SR.No.14029

ORDER
IN
CRL OP(MD) No.21171 of 2022
Date :30/11/2022