



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

Date : 01/12/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.21238 of 2022

WEB COPY

Premkumar

... Petitioner/ Sole Accused

Vs

The State Rep.by
The Sub Inspector of Police,
Illupur Police Station,
Pudukkottai District.
Crime No.329 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian 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.329 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w. Section 21(1) of Mines and Minerals Development and Regulations Act, 1987 in Cr.No.329 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police was in routine check up petitioner herein has illegally transported $\frac{1}{4}$ unit of river sand by using Tractor and the same was recovered. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the property was recovered and there is no previous case against the petitioner. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.



5.Considering the facts and circumstances of the case, so considering the fact that the the property was recovered and there is no previous case against he petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

WEB COPY

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, Illupur 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 respondent Police or to the Police Officer, who intends to arrest or 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 a.m., 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.

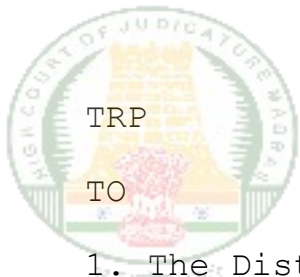
sd/-

01/12/2022

/ TRUE COPY /

/12/2022

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



WEB COPY

1. The District Munsif - Cum - Judicial Magistrate,
Illupur.
2. -do-Through The Chief Judicial Magistrate,
Pudukkottai.
3. The Sub Inspector of Police,
Illupur Police Station, Pudukkottai
District. Crime No.329 of 2022..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.21238 of 2022
Date :01/12/2022

RD/BUC/SAR-II(08/12/2022) 3P 5C