



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22287 of 2022

P.Nandhakumar

... Petitioner/Accused

Vs

The State rep.by
The Sub Inspector of Police,
Thogamalai Police Station,
Karur District.
Crime No.403 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Prasanna Vinoth B,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.403 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 Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.403 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported half unit of Savudu Sand by using Tractor bearing Regn.No.TN 63 R 6338. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person 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 petitioner is not having any previous case. He would further submit that he has transported ½ unit of Savudu sand illegally worth about Rs.3,000/- and hence, he opposes to grant anticipatory bail to the petitioners.



5. Taking into consideration the facts and circumstance of the case and that there is no previous against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Kulithalai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] petitioner is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

(b) 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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-

16/12/2022

/ TRUE COPY /

/01/2023

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



TRP
TO

1 THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
KARUR DISTRICT.

+1. CC to M/S.PRASANNA VINOTH B Advocate SR.No.15113

ORDER

IN

CRL OP(MD) No.22287 of 2022

Date :16/12/2022

SA/MMS/SAR.2/29.12.2022/3P/7C