



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD) . No.23228 of 2022

Sekar
(Incorrectly mentioned in the
FIR as Ganapathi S/o. Palaniyappan)

...Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukkottai District.
Crime No.696 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Maniyarasu K.C., Advocate

For Respondent : Mrs.M.Aasha
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.696/2022 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 Section 379
of IPC r/w 21(1) and 21(2) of Mines and Minerals (Development &
Regulation) Act, 1957, in Crime No.696 of 2022, on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had
illegally transported 2 units of river sand, without any valid
permit. Hence, the complaint.



3.The learned counsel for the petitioner submitted the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. The petitioner is the owner of the vehicle. He would further submit that without prejudice to his rights and contentions, the petitioner is prepared to deposit an amount of Rs.30,000/- towards any charitable organization or association.

4.The learned Government Advocate (Crl.Side) on instructions submitted that the petitioner is the owner of the alleged vehicle and he along with his driver were indulged in illegal sand mining. He is also an accused in this case. Though there is no previous case pending against the petitioner, in this case, investigation is still pending and hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit amount in any Welfare Scheme, this Court is inclined to grant bail to the petitioner on certain conditions.

7.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, **(*)Account No.10767823177**, IFSC Code:SBIN0000898, MICR CODE:625002601, Branch: SBI Periyakulam without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

8.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 on which the order copy made ready, before the learned Judicial Magistrate, Aranthangi, 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] 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 everyday 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 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 229A IPC.

sd/-
28/12/2022

(*)Corrected as per order of this court dated 05.01.2023.

(time is extended for further two weeks for executing sureties,from the date of receipt of a copy of the amended order.)

/ TRUE COPY /

/01/2023

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

PNM/LR

TO

(*)to be substituted to the order dated 28.12.2022, already despatched

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

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM, PERIYAKULAM,

ORDER

IN

CRL OP(MD) No.23228 of 2022

Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/6C

TR/MMS/SAR-I (10.01.2023) 3P 6C