



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

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

CRL OP(MD) . No.23278 of 2022

Abutha Geer

... Petitioner/Accused Rank Not Known

Vs

State represented by
The Inspector of Police,
Aravakuruchi Police Station,
Karur District.
(Crime No.98/2019).

... Respondent/Complainant

For Petitioner : M/s. Mathiyalagan.R, 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.98 of 2019 on the file of the Respondent Police.

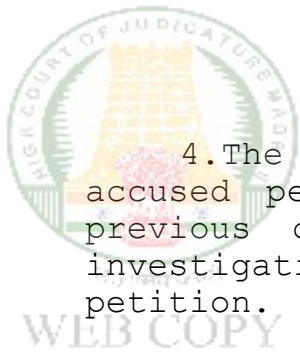
ORDER : The Court made the following order :-

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) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.98 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused person had illegally transported $\frac{1}{2}$ unit of river sand, without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that without prejudice to his rights and contentions, the petitioner is prepared to deposit an amount of Rs.5,000/- towards any charitable

<https://www.mca21.in/crj/2022/12/28/23278>



4.The learned Government Advocate (Crl.Side) submitted that the accused person had transported mineral illegally. 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 of the petitioner to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of District Siddha Medical Officer CCRI PKM, Account No.0767823177, 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.

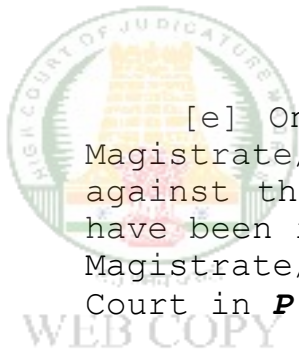
8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Aravakuruchi**, 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 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 229A IPC.

sd/-
28/12/2022

/ TRUE COPY /

29/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/LR

TO

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

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PKM, PERIYAKULAM.

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-15654[I] dated 28/12/2022

ORDER
IN
CRL OP(MD) No.23278 of 2022
Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/7C