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

Date : 27/02/2023

PRESENT

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

CRL OP(MD) . No.3767 of 2023

Gopal @ Gopalakrishnan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.274/2020).

... Respondent/Complainant

For Petitioner : M/s.Mathiyalagan R

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.274 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21(1) Mines and Minerals (Development and Regulation) Act, in Crime No.274 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally possessed 7 units 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 the petitioner had purchased the sand only for his own construction. He is ready to abide any condition imposed by this Court. Hence, prays to release him on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the accused had possessed the mineral illegally. The petitioner is not having any bad antecedent. In this case, investigation is still pending and hence, prays to dismiss the petition.

5. At this juncture, the learned Counsel for the petitioner would submit that to show his bonafides, the petitioner is ready and willing to deposit Rs.15,000/- to any Welfare Scheme of the Government, without prejudice to his rights and contentions.

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

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of the **District Mineral Foundation Trust, Karur**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Magistrate concerned. However, it is made clear that in view of the deposit being made by the petitioner, would not amount of admission of guilt by him.

9. 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 No.II, Karur**, 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/-
27/02/2023

/ TRUE COPY /

/ /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VANGAL POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER in CHARGE,
DISTRICT MINERAL FOUNDATION TRUST, KARUR

+1. CC to M/S.MATHIYALAGAN R Advocate SR.No.3056

ORDER
IN
CRL OP(MD) No.3767 of 2023
Date :27/02/2023

MGJ/SAR IV/07/03/2023/3P/7C