



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

Date : 11/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8542 of 2023

Mani @ Palanisamy

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(Crime No.186 of 2023).

... Respondent/Complainant

For Petitioner : S.S.Sundarapandian,
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.186 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/2nd Accused, who apprehends arrest at the hands of
the respondent Police for the offences punishable under Sections 379
IPC r/w. 21(1) of Tamil Nadu Mines and Minerals Act, in Crime No.186
of 2023 on the file of the respondent Police, seeks anticipatory
bail.

2.The case of the prosecution is that petitioner and other
accused have transported one unit of river sand illegally by using
TATA 407 Vehicle bearing Regn.No.TN 74 AY 8868. Hence, the
complaint.

3.Heard both side and perused the materials available on record
including the First Information Report.



4. Considering the facts and circumstances of the case, so considering the fact that no previous case is pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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, Manaparai 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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the credit of **Cancer Institute (WIA), No.38, Sardar Patel Road, Adayar, Chennai - 20** and shall produce the receipt before the concerned Magistrate at the time of executing the bond along with surety affidavit.

[c] the petitioner shall report before the respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

[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 is 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/-

11/05/2023

/ TRUE COPY /

/05/2023

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

TRP

<https://www.mhc.tn.gov.in/judis>



TO

1. The Judicial Magistrate, Manapparai.
2. Do through the Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
Manapparai Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer In-Charge,
Cancer Institute (WIA),
No.38, Sardar Patel Road,
Adayar, Chennai - 20.

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-7329[I] dated
11/05/2023)

ORDER
IN
CRL OP(MD) No.8542 of 2023
Date : 11/05/2023

NA/VS/SAR-3/12.05.2023/3P/7C