



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 10/05/2023  
PRESENT

**The Hon`ble Mrs.Justice R.KALAIMATHI**

CRL OP(MD) . No.8719 of 2023

Pazhanivel

... Petitioner/Accused 2

**Vs**

The State rep.by  
The Inspector of Police,  
Musiri Police Station,  
Trichy District.  
Crime No.175 of 2023.

... Respondent/Complainant

For Petitioner : M/s.K.ARUNRAJ,  
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.175 of 2023 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 offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.175 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.05.2023, the petitioner has illegally transported 4 sacks of river sand in a two wheeler. Hence, the case.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that the petitioner has no previous case.

4.Considering the facts and circumstances of the case and the fact that the petitioner is having no previous case, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri 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 to 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.5,000/- (Rupees five 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 file an undertaking affidavit that he will not indulge in any such offence in future, before the learned Magistrate. On filing of such undertaking affidavit, the concerned Magistrate shall accept the sureties;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;



(h)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
10/05/2023

WEB COPY

/ TRUE COPY /

/05/2023

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

MBI

**TO**

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

**COPY TO:**

THE OFFICER INCHARGE,  
CANCER INSTITUTE (WIA),  
NO.38, SARDAR PATEL ROAD,  
ADAYAR, CHENNAI-20.

+1. CC to M/S.K.ARUNRAJ Advocate SR.No.7336

**ORDER**

**IN**

CRL OP(MD) No.8719 of 2023  
Date :10/05/2023

SA/SSS/SAR.3/16.05.2023/3P/7C