



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8870 of 2023

Kannan

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Maraneri Police Station,
Maraneri, Virudhunagar District.
Crime No. 48 of 2023.

... Respondent/Complainant

For Petitioner : Mr.R.MURUGAPPAN, Advocate

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.48 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused rank not known, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w 21(1) of Tamil Nadu Mines and Minerals Developments and Regulation Act, 1957, in Crime No.48 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.04.2023 at about 12.05 am., the VAO of Nathikudi Village, Virudhunagar District, had intercepted the tractor bearing Registration NO.TN 65 7605, which was transporting Red Sand without valid permission, after seeing the VAO, the driver of the aforesaid Tractor stopped and fled away from the vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is having three previous cases, in which two cases are similar in nature.

WEB COPY

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non-refundable deposit to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625023 (A/c No.496039124, IFSC code: IDIB000H040), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.1, Sivakasi, Virudhunagar District.

7.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 of receipt of a copy of this order, before the Judicial Magistrate NO.1, Sivakasi, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police twice in a weeks i.e., on every Sunday and Tuesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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



CRL OP(MD).

23



Magistrate/Trial Court himself, as laid down by the Hon'ble Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

17/05/2023

WEB COPY

/ TRUE COPY /

19/05/2023

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

RMK

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
MARANERI, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERKS WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MURUGAPPAN.R Advocate SR.No.7459

ORDER

IN

CRL OP(MD) No.8870 of 2023

Date :17/05/2023

SA/CG/SAR.4/19.05.2023/3P/7C