



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

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9161 of 2023

Biju

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.126 of 2023).

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.126 of 2023 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
379 r/w 21(1) of Mines and Minerals (Development and Regulation)
Act, 1957 in Crime No.126 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused have illegally transported 6 units of river sand.
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 shall
abide any condition imposed by this Court. Hence, he prays for
anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent police would submit that the petitioner has transported 6
units of river sand illegally. Hence, he strongly opposed to grant
anticipatory bail.



5. Considering the facts and circumstances of the case, so 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), without prejudice to the rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Valliyur.

7. On production of such receipt, 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 learned Judicial Magistrate, Valliyur, 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am 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]**; and;

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

sd/-

18/05/2023

/ TRUE COPY /

(*) FOR BEING MENTIONED, AS PER THE
ORDER OF THIS COURT DATED 02/06/2023
IN CRL OP(MD) No.9161 of 2023.

/06/2023

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

DSS

GNS

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



TO

To be Substituted to the order dated 18/05/2023 already despatched

1. The Judicial Magistrate, Valliyur.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer In-Charge,
Advocate Clerk's Welfare Association,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.LENIN KUMAR.T, Advocate, SR.No.8005(I)

ORDER
IN
CRL OP(MD) No.9161 of 2023
Date : 18/05/2023

NA/CG/SAR- /23.05.2023/3P/7C
NA/VR/SAR- /07.06.2023/3P/7C