



CRL OP(MD). No.15781 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15781 of 2023

Manikandan

... Petitioner/ Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.396 of 2023)..

... Respondent/ Complainant

For Petitioner : Mr.V.Vishnu,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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



CRL OP(MD). No.15781 of 2023

WIPRAYER:-

For Anticipatory Bail in Crime No.396 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.396 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.07.2023 when the respondent police were on usual patrol, they intercepted a taurus lorry bearing registration No.TN-52-B-3790 and found the lorry with 4½ unit of sand without any valid permit. The accused person had unlawfully transported the river sand. Hence, complaint.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner was not present at the scene of occurrence and that he was lessee of the taurus lorry. Hence, he seeks anticipatory bail.



CRL OP(MD). No.15781 of 2023

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioner along with others illegally transported 4 units of river sand in three vehicles. The petitioner is having nine previous cases similar in nature. The investigation is at initial stage. The vehicles are yet to be recovered. He strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering that vehicles itself was not identified and recovered by the police officials and without ascertaining that what kind of material available in the vehicles, the FIR has been registered, the petitioner was not present on the day and also considering other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kulithalai,



CRL OP(MD). No.15781 of 2023

WEB COPY

on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.00 am., for 30 days and thereafter as and when required.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].



CRL OP(MD). No.15781 of 2023

[e] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
01/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN

TO

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

ORDER
IN
CRL OP(MD) No.15781 of 2023
Date :01/09/2023

RK/VR (07/09/2023) 5P /5 C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023