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

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1395 of 2024

DURAIPANDI ... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.327/2023) ... Respondent / Complainant

For Petitioner : M/s.M.Neethi Devan, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CR.NO.327/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.327 of 2023, on the

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file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were involved in illegal transportation of 2 units of river sand. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the High Court Environmental Committee and hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioner and other accused were involved in illegal transportation of 2 units of river sand and the petitioner is having 4 previous case. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to deposit a sum of Rs.20,000/- to the High Court Environmental Committee, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the Judicial Magistrate Court, Melur, Madurai

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District, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police as daily at 10.30 am until further orders;

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(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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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To

1.The Judicial Magistrate,
Melur, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1395 of 2024
Date :31/01/2024

ED/ JGB /SAR- (05/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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