



CRL OP(MD)No.7333 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD)No.7333 of 2024

Mathilagan @ Mathiyalagan

... Petitioner/ Accused

Vs

The Inspector of Police,
Illupur Police Station,
Pudukottai District.
(Crime No.109 of 2024)

... Respondent/Complainant

For Petitioner : Mr.B.Mahendrarajan, Advocate
For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.109 of 2024 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 IPC and Section 21(1) of the Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.109 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner illegally transported 5 unit of gravel sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that even though the petitioner had possessed valid permission to transport gravel sand, the respondent Police registered the present case, which is not sustainable one.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner got permission to transport only three units of gravel sand. However, he transported five units of sand. That apart, the petitioner is having two previous cases, in which, one case is similar in nature. Accordingly, he prayed to dismiss the present petition.

5.Taking into consideration the facts and circumstances of the case and also the fact that the properties have been recovered, 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 learned Judicial Magistrate, Illuppur, Pudukottai District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



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(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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and produce the acknowledgment at the time of executing bond.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

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

[f]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].



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

sd/-
15/05/2024

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/05/2024

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

gns
TO

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

COPY TO

THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, PUDUKOTTAI DISTRICT.

ORDER IN
CRL OP(MD) No.7333 of 2024
Date :15/05/2024

RS/VR/SAR-(23.05.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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