



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6854 of 2020

Kothalamuthu

... Petitioner/Sole Accused

Vs

The State rep. by,
The Sub Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Cr.No.279/2020.

... Respondent/Complainant

For Petitioner : M/s M.Jothi Basu,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr.no.279 of 2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.279 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 19.06.2020, the petitioner illegally transported sand in four cement bags. Hence, a case has been registered.

4. The learned Additional Public Prosecutor appearing for the State would submit that the quantity of sand involved is four cement bags and the same was recovered by the respondent police.



5. Taking note of the above facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the concerned District Mineral and Foundation Trust on or before 15.07.2020, without prejudice and subject to outcome of the trial;

(c) petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

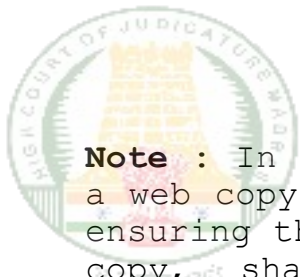
(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
30/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE AUTHORIZED OFFICER,
DISTRICT MINERAL AND FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6854 of 2020
Date :30/06/2020

SJI
SRS/ VR/ SAR-III/ 01.07.2020/ 3P/6C