



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . No.6908 of 2020

P.S.Ramesh ... Petitioner/Accused

Vs

The Sub Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni Respondent/Complainant

For Petitioner : M/s.K.Appadurai,
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 Crime no.1165 of 2020 on 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 Sections 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1165 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 07.06.2020, the petitioner illegally transported $\frac{3}{4}$ unit of river sand by using Tractor and Trailer bearing Regn.No.TN-60-AC-8201. 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 $\frac{3}{4}$ unit and the same was recovered by the respondent police.



5. Taking note of the fact and the submission made by the learned Additional Public Prosecutor, 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, Periyakulam, Theni District, 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.60,000/- (Rupees Sixty 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/-
01.07.2020

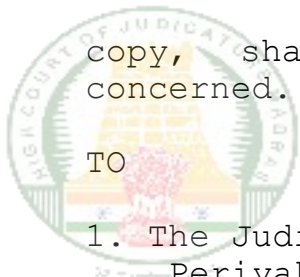
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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

<https://hcservices.ecourts.gov.in/hcservices/>



copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate,
Periyakulam, Theni District.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The District Mineral and Foundation Trust,
Theni.
4. The Sub Inspector of Police,
Thenkarai Police Station, Periyakulam,
Theni.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6908 of 2020

Date : 01/07/2020

VB SKN SAR3 (03.07.2020) 3P 6C