



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

Date : 09/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.7187 of 2020

Maruthai

... Petitioner/Accused
Rank not Known

Vs

State rep by
The Inspector of Police,
Kulithalai Police Station,
Kulithalai,
Karur District.
Cr.No. 528 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

For Anticipatory Bail in Cr.No. 528 of 2019 on the file of the
respondent police.

ORDER : The Court made the following order :-

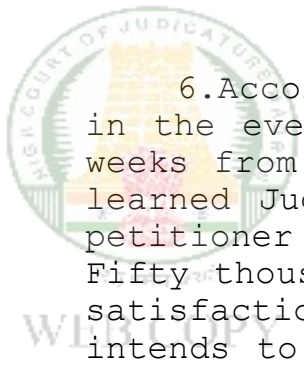
The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under section 379 of
I.P.C., r/w Section 21(1) of the Mines and Minerals (Development &
Regulation Act, 1957 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner is said to
have illegally transported three units of gravel sand. Hence, a
complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police would submit that investigation is pending. He
would also submit that no previous case is pending against the
petitioner.

5.Taking into consideration the facts and circumstances of the
case and also the fact that no previous case is pending against the
petitioner, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithalai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 report before the respondent police as and when required for interrogation.

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

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

(e) 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;

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

sd/-
09.07.2020

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

AAV

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.



TO

1. The Judicial Magistrate No.II, Kulithalai.
2. -Do- Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Kulithalai Police Station, Kulithalai,
Karur District. Cr.No. 528 of 2019..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7187 of 2020
Date : 09/07/2020

VB SKN SAR 2 (13.07.2020) 3P 5C