



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

Date : 28/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7830 of 2020

Sivalingam

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Karaiyur Police Station,
Pudukottai District.
Crime No.190 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.Ganapathi Subramanian,
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 Crime No. 190 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner is sole accused apprehending arrest at the hands
of the respondent police for the offences punishable under section
379 of I.P.C., and Section 21(1) of Tamil Nadu Mines and Minerals
(Development and Regulation) Act and Section 51(b) of Disaster
Management Act, 2005 in Crime No.190 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was said
to have illegally transported Half unit of river sand by using
Tractor. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Crl. Side) appearing for the
respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner is not having any bad antecedent. However, on instructions, he would further submit that the petitioner will voluntarily make a non refundable payment of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20 without prejudice to their right in the criminal case.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioner.

6.Considering the facts and circumstances of the case and considering the fact that there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 District Munsif Cum Judicial Magistrate, Illupur, Pudukkottai District, 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:

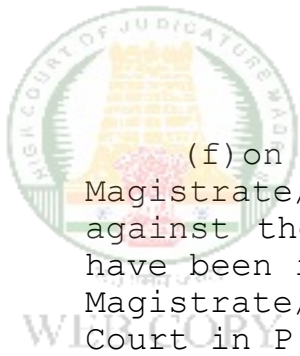
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20, within a period of one week without prejudice to his rights and contentions before the trial Court ;

(c) the 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2020

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/ /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.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR, PUDUKKOTTAI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD,
ADYAR, CHENNAI- 20

ORDER
IN
CRL OP(MD) No.7830 of 2020
Date : 28/07/2020

KSA
TK/VR/SAR.3/31.07.2020/3P/6C