



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

Date : 12/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8372 of 2020

Thava Murugan @ Thava Muruganathan, ... Petitioner/1st Accused

Vs

The State by
The Inspector of Police,
Kadaladi Police Station,
Ramnad District.
(Crime No.210/2020).

... Respondent/Complainant

For Petitioner : M/s. D.Venkatesh,
Advocate.

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

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

PRAYER :-

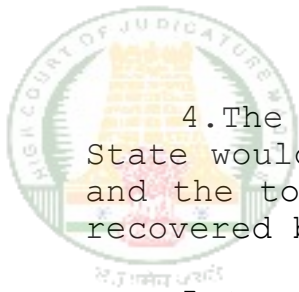
For Anticipatory Bail in Crime No.210 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as accused No.1 in Crime No.210 of 2020, on the file of the respondent police, for the offences punishable under Section 379 (Sand Theft) of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. He seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported ½ unit of river sand.

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.



4.The learned Government Advocate (Crl. side) appearing for the State would submit that the petitioner is having four previous cases and the total quantity of sand involved is $\frac{1}{2}$ unit and the same was recovered by the respondent police.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Kadaladi, 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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

(b)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;

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

sd/-
12/08/2020

/ 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,
KADALADI.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE OFFICER INCHARGE,
MADRAS HIGH COURT MADURAI BENCH,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI-625 023

ORDER
IN
CRL OP(MD) No.8372 of 2020
Date :12/08/2020

SJI
AE/VR/SAR-II (14.08.2020) 3P 6C