



WEB COPY

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

Date : 10/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9600 of 2020

M.Prabakaran

... Petitioner/Accused(Sole)

Vs

The State rep.by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.117 of 2020).

... Respondent/Complainant

For Petitioner : Mr.K.R.Laxman,
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.117 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioner's second anticipatory bail application. The petitioner/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 Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.117 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported five units of river sand without any valid permission. When the police party waylaid the petitioner's lorry, the petitioner



without stopping the lorry and he unloaded the sand in front of his house and escaped from the scene of occurrence. Hence, the complaint.

3.The petitioner's earlier bail application was dismissed on 17.08.2020 in Crl.O.P.(MD)No.6998 of 2020, on the ground that the vehicle was not recovered from the respondent police.

4.Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. side) appearing for the State submitted that the vehicle has already been seized by the respondent police on 25.08.2020.

5.Considering the facts and circumstances of the case and also considering the fact that the vehicle has already been seized by the respondent police, I am 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, Kamuthi, Ramanathapuram 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.50,000/- (Rupees Fifty Thousand only) to the credit of Karur Anbukarantal Society, No.25, Ganesh Nagar, Vennaiimalai Nagar, Karur-639 006, Indian Bank, Karur (Account No.6069083407, IFSC Code: IDIB000K027), within a period of Two weeks 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 or the 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/-
10/09/2020

/ 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.

TO

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

COPY TO: THE OFFICER INCHARGE,
KARUR ANBUKARANGAL SOCIETY,
NO.25, GANESH NAGAR, VENNAIMALAI NAGAR, KARUR-639 006

ORDER
IN
CRL OP(MD) No.9600 of 2020
Date :10/09/2020

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