



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

Date : 16/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9815 of 2020

PARAMASIVAM

... PETITIONER/ACCUSED RANK NOT KNOWN

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

IN CRIME NO.33 OF 2020,

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.C.Susi Kumar,
Advocate.

For Respondent : Mr.R.Saravanakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.33 of 2020 on the file of the respondent police.

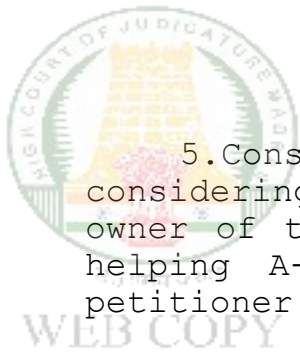
ORDER : The Court made the following order :-

The petitioner/A5 apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. (Sand Theft), in Crime No.33 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The allegation is that on the date of inspection 40 units of river sand stored in the property, which belongs to A-1, was seized by the respondent police and A-1 was arrested. Based on the confession of A-1, the petitioner was implicated as an accused in this case. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and based on the confession of A-1, the petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the total quantity of sand involved is 40 units and the same was recovered by the respondent police.



5.Considering the facts and circumstances of the case and also considering the fact that based on the confession of A-1, who is the owner of the land where the sand was kept, the petitioner is only helping A-1, 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 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, Nanguneri, 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/09/2020

/ 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,
NANGUNERI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9815 of 2020

Date :16/09/2020

SJI

JM/VR/SAR II/21.09.2020/3P/5C