



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

Date : 18/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9980 of 2020

Eswaran

... Petitioner/Accused Rank 2

Vs

The State rep.by
The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
Crime No.469 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Ganeshkamu,
Advocate.

For Respondent : Mr.R.Saravana Kumar
Government Advocate(Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.469 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending 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 Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.469 of 2020 on the file of the respondent police, seeks anticipatory bail.

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

3. The learned counsel for the petitioner would submit that the petitioner is the driver of the Tractor. He would further submit that the petitioner is an innocent person and he has been falsely implicated in the above case.

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



police. He would further submit that no previous case as against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the driver of the vehicle and there is no previous case pending against the petitioner, 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 No.1, Srivilliputhur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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;

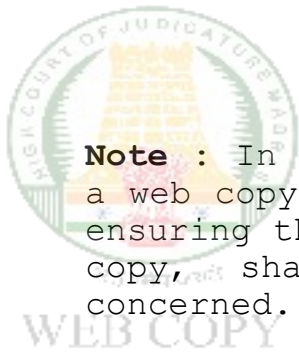
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
18/09/2020

/ 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 NO I, SRIVILLIPUTHUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.GANESH KAMU, Advocate (SR-6511[I] dated 18/09/2020)

ORDER

IN

CRL OP(MD) No.9980 of 2020

Date :18/09/2020

VSD

TK/VR/SAR.1/22.09.2020/3P/6C