



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10104 of 2020

P.Moorthi ... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Crime No.255 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Subbiah,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 255 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-2 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, in Crime No.255 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 Two units of Savadu sand. 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 and there is no bad antecedent against the petitioner.



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 there is no previous case pending against the petitioner, this Court is 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 Principal District and Sessions Court (Spl. Court for Cases under Mines & Minerals Act), Ramanathapuram, 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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Anbukarantal, 1/216, Vivakanandar Street, Kootivakkam, Chennai 41 [Account No.10398221091, IFSC No. SBIN0010516] [Phone No.044 24928383, 9841434070] 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/ 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/-

22/09/2020

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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 PRINCIPAL DISTRICT AND SESSIONS JUDGE
(SPECIAL COURT FOR CASES UNDER MINES AND MINERALS ACT),
RAMANATHAPURAM.
- 2.THE INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE OFFICER INCHARGE,
ANBUKARANGAL, 1/216, VIVAKANANDAR STREET,
KOOTIVAKKAM, CHENNAI 41

+1 CC to MR.P.SUBBIAH, Advocate (SR-6558[I] dated 22/09/2020)

ORDER
IN
CRL OP(MD) No.10104 of 2020
Date :22/09/2020

KSA
AE/JC/SAR-I (28.09.2020) 3P 6C