



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12610 of 2020

N.Sahul Hameed

... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Austinpatti Police Station,
Tirumangalam Taluk, Madurai District.
Crime No.1762/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Govindan,
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.1762 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., and 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.1762 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner/accused transported the sand with the permission of the District Collector and the documents are in order. However, there was a deviation in the route to be followed for the said transportation. Thus, the case has been registered against the petitioner.

4.The learned counsel appearing for the petitioner reiterated
<https://hdsrvtcs.edn.gov.in/cse/vies/> the petitioner has properly transported the sand by depositing



the amount as contemplated in the order passed by the District Collector and with the permission of the authorities and there is no said deviation. The respondent police has unnecessarily seized the vehicle belongs to the petitioner and registered a case.

5. In view of the above, 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 on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Special District Judge, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 impd 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/-
10/11/2020

/ 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 SPECIAL DISTRICT JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
TIRUMANGALAM TALUK,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12610 of 2020

Date :10/11/2020

NS

JM/PN/SAR IV/19.11.2020/3P/4C