



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

Date : 04/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.13991 of 2020

M.Marudhamuthu

... Petitioner/Accused No.2

Vs

State : Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.454/2020.

... Respondent/Complainant

For Petitioner : Mr.V.Kannan,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.454 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 offence punishable under section 379 IPC and 21(1) of Mines and Minerals Development Regulation Act, 1957, in Crime No.454 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.11.2020 one Shanmugapriya, who is working as a Village Administrative Officer at Poovali Village Group, gave a complaint to the respondent police stating that, on 02.11.2020, the complainant and his party conducting search near Nedungulam Kanmai the petitioner and A1/Ramesh (Owner of the Tractor) were found in transporting one unit sand from the Kanmai Channel in his Tractor bearing Registration No.TN-63-BD-3771. Immediately the complainant seized the said vehicle and the respondent police registered the said case against the petitioner and A1. The petitioner is the driver of the said Tractor and A1 is having agricultural firm in his village.



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 when he was doing agricultural activities in his firm on 02.11.2020, the defacto complainant seized his Tractor as if he was transporting sand from Kanmai. He further submitted the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is not having any bad antecedent and hence, he prayed for grant of anticipatory bail to 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, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai, 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 daily at 10.00 a.m., without fail, for a period of Two Weeks and thereafter 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

<https://hccourts.courts.gov.in/Kse6/13991> 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/-
04/12/2020

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/ /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 II,
SIVAGANGAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
3. THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13991 of 2020
Date : 04/12/2020

VSD
PK/AKM/SAR-II/10.12.2020 : 3P/5C