



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

Date : 01/12/2020

PRESENT

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

CRL OP(MD). No.13701 of 2020

Jeyaraj

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No.2426 of 2020

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar, Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in crime No.2426 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. and Section 21(4) of Mines and Minerals Act, 1957, in Crime No.2426 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused said to have illegally transported 3 units of gravel sand by using Tractor and Trailer. Hence, a case has been registered.

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

4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that the alleged sand was dig out from the patta land belongs to the petitioner. Hence, he



5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner was found in illegal possession of 3 units of gravel sand.

6.Taking into consideration the facts and circumstances of the case and also taking into quantity of the sand, 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 Court, Theni, 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 10.30 a.m for a period of four weeks without fail 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/12/2020

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13701 of 2020
Date :01/12/2020

MS/PN/SAR-3/04.12.2020/3P.5C