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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13782 of 2020

Murugesan ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Uppiliapuram Police Station,
Trichy District.
Crime No. 1027 of 2020. ... Respondent/Complainant

For Petitioner : Mr.Anandakumar,
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.1027 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole Accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 and 511 of IPC,r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1027 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant / Village Administrative Officer lodged a complaint before the respondent police stating that when he was on surveillance duty, found that a JCB was removing the sand in a lake and when he about to apprehend the driver, he ran away from the scene of occurrence leaving the JCB vehicle bearing registration No.KA 01 MP 2850.



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 is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is only a driver of the JCB and hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is the driver of the JCB vehicle and there is no previous case pending as against the petitioner.

6. Considering the facts and circumstances of the case and considering the fact that there is no previous case as 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, 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 by the respondent police 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***



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

sd/-
02/12/2020

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

ORDER
IN
CRL OP(MD) No.13782 of 2020
Date : 02/12/2020

LS
JM/PN/SAR III/07.12.2020/3P/5C