



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

WEB COPY

PRESENT

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

CRL OP(MD).No.14079 of 2020

Anbudevadhas @ Anpon Devadhass ... Petitioner/Sole Accused

Vs

State Rep. by
The Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.389 of 2020

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate.

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

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

PRAYER :-

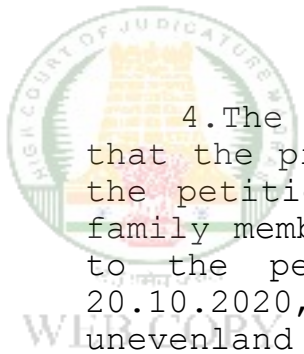
For Anticipatory Bail in Crime No.389 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulations) Act 1957, in Crime No.389 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.10.2020 during the field inspection, the defacto complainant found that some mines and minerals were stolen from S.Nos.748/17B situated in Mathicode Village. Hence the 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 appearing for the petitioner submitted that the property situated in S.No.748/17B is originally belongs to the petitioner's father namely Willfret Elias. On 21.11.2020, the family members entered into partition and S.No.748/17B was allotted to the petitioner. In order to partition to the property on 20.10.2020, the petitioner and his family members leveled the unevenland by removing hillock. The petitioner is the owner of the alleged property and the patta also stands in the name of the petitioner vide Patta No.7984. The petitioner never transported any sand or stone. In these factual scenario based on false information without conducting any enquiry Village Administrative Officer made a complaint. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and falsely implicated in this case.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that there is no previous case pending as 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, Eraniel, 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., 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 or the Judicial 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;

(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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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,
ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14079 of 2020
Date :04/12/2020

vsd
JM/PN/SAR III/10.12.2020/3P/5C