



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

Date : 22/12/2020

PRESENT

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

CRL OP(MD).No.15459 of 2020

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Sethuraman

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
Madakupatti Police Station,
Sivagangai District.

Cr.No.464 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Balameenakshi,
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.464 of 2020 on the file of the respondent police.

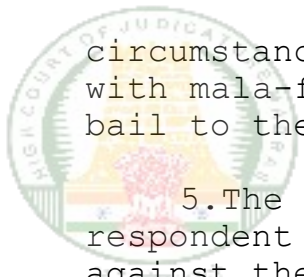
ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 IPC and 21(iv) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.464 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.12.2020, the petitioner theft the sand from PiravLOUR Kanmai and stored the same in his own land and the Village Administrative Officer of Okkur Panchayat gave a complaint against the petitioner. 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.

4.The learned counsel appearing for the petitioner submitted that the petitioner has got fisheries permission on his own Patta land. He obtained proper permission from the Government and he started the same work. In this juncture, the petitioner purchased sand from the sand dealer and requested to give sand for his fish tanks. The dealer supplied three units of sand (உபரிமண்) to the petitioner and the same is stored in the petitioner's own land. The dealer also got permission from the Mines Department but in these



circumstances, a false complaint was foisted against the petitioner with mala-fide intention. 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.

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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.I, 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. 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 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.

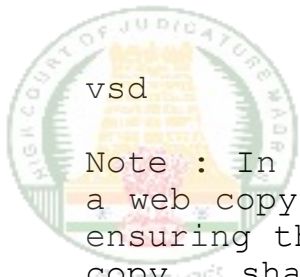
sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



vsn

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.

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TO

- 1.The Judicial Magistrate No.I,
Sivagangai.
- 2.The Chief Judicial Magistrate,
Sivagangai.
- 3.The Inspector of Police,
Madakupatti Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.15459 of 2020

Date : 22/12/2020

KK/JGB/SAR3 (29.12.2020) 3P 5C