



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/12/2020

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PRESENT

The Hon`ble **Mr.Justice G.ILANGO VAN**

CRL OP(MD) . No.16033 of 2020

C.N.Babu

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Palamedu Police Station,
Madurai District.
(Crime No. 1523 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Maheswaran.R,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No. 1523 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 465, 468 and 379 I.P.C., and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1523 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The allegation is that the petitioner along with other involved in illegal transportation of 3 units gravel sand by forging permit. According to the petitioner, in similar cases in Crl.O.P (MD).No.13675 of 2020, this Court by order dated 01.12.2020 has granted anticipatory bail on certain conditions. It was reported that the ban order imposed by the Principal Bench of this Court in Crl.O.P.No.13334 of 2020 etc., batch was not confirmed by the Principal Bench of this Court in S.L.A.No.6029 of 2020 on 11.12.2020.



4. Considering the nature of allegation, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vadipatti, Madurai and on his executing 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 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 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/-
31/12/2020

/ TRUE COPY /

/ /2021
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,
VADIPATTI, MADURAI.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
PALAMEDU POLICE STATION, MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16033 of 2020

Date : 31/12/2020

rmk/ias

AE/KV/SAR-II (06/01/2021) 3P / 5C