



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16127 of 2020

Jeyamurugan

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Nainarkovil Police Station,
Ramantahapuram District.
(Crime No.411/2020).

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

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

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

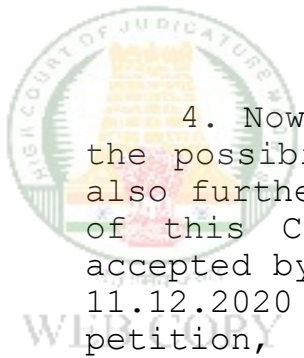
PRAYER :- For Anticipatory Bail in Crime No.411/2020 on the file of the respondent police.

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 section 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.411 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. A reading of the FIR, it shows that the petitioner along with another person were found in transportation of river sand on 18.12.2020 and the petitioner alleged to have run away from the place of occurrence, when the police official intercepted the vehicle.



4. Now according to the petitioner, he is a disabled person and the possibility of him to transport the river sand is remote. He also further contended that the ban order imposed by Principal Bench of this Court in Crl.O.P.No.13334 of 2020 etc., batch was not accepted by the Hon'ble Supreme Court in S.L.A.No.6029 of 2020 dated 11.12.2020 and it is observed that in an anticipatory bail petition, the role assigned to a particular person must be considered.

5.Considering the physical condition of the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Paramakudi, 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 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;

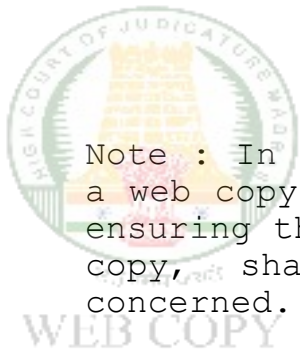
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused 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,
PARAMAKUDI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANTAHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16127 of 2020
Date :31/12/2020

IAS/RMK
AE/SMA/SAR-III (06/01/2021) 3P / 5C