



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21417 of 2021

1 SEKAR @ RAJASEKAR [PETITIONERS / ACCUSED]
2 PUSHPANATHAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.
CR.NO.342/2021.

For Petitioner : M/S.L.MOULI Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the offences under Section 379 of IPC in Crime No.342 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the village administrative officer who lodged a complaint against the petitioners for carrying soil from Patta land in Survey No.1/5 in Patta No.97 without getting proper permission from the concerned authority, for which, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioners would submit that, the petitioners did not commit any offence as alleged by the prosecution. Further he submits that, the first petitioner is driver of Tractor and second petitioner is the JCB operator, due to previous enmity with the de-facto complainant in respect of Patta issue, the de-facto complainant has lodged a false complaint against the petitioner herein and they were falsely implicated in this case.

4. The learned Government Advocate(crl.side) would submit that the soil was taken from the land with JCB and tractor, without getting proper permission from the concerned authority. The investigation is almost completed and there is no previous case.



5. Considering the nature of the case, the petitioners have taken soil from the Patta land and one of the legal heir gave a complaint against them and that vehicle was seized by the police. The investigation is almost completed, therefore, this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II Attur**, on condition that the petitioners 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) He expressed his willingness to deposit some amount for charity. Hence, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten thousand only) to the credit of Advocate clerk Association, Attur** and the petitioners shall produce the receipt for the same before the said Court while executing the bond;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c). The petitioners shall appear before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 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;

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

-sd/-

16/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.

5 THE ADVOCATE CLERK ASSOCIATION,
ATTUR.

+1 CC to M/S.L.MOULI Advocate on payment of necessary charges
SR.NO.12875

CRL OP.21417/2021

Date :16/11/2021

TA-19/11/2021