



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

Date : 11/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.136 of 2021

Prakash ... Petitioner/Sole Accused

Vs

The Sub - Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.1457 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.Om Chairma Prabhu,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.1457 of 2020 on the file
of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who 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 Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1457 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were said to have illegally transported two bags of sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is not having any previous case and hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that no previous is pending against the petitioner for similar offence. He would also submit that the sand has been recovered.

5.Considering the nature of charges levelled against the petitioner and also considering the fact that there is no previous case pending against the petitioner for similar offence and also the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruvaiyaru, 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 is directed to draw a Demand Draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of Rs.5,000/- (Rupees Five Thousand and Five Hundred only) without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance/submission of Demand Draft to the learned Magistrate while executing sureties.

(c)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.

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

(e)the petitioner 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 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;



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

sd/-
11/01/2021

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/ /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, THIRUVAIYARU.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUB - INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI

ORDER
IN
CRL OP(MD) No.136 of 2021
Date :11/01/2021

das
AE/KV/SAR-III (19/01/2021) 3P / 6C