



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2021

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PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.108 of 2021

Kathirvel @ Kathirvel Murugan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Alangulam Police Station,
Crime No. 563 of 2020.
Tenkasi District.

... Respondent/Complainant

For Petitioner : Mr.Prabhu.K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.563 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., and Section 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.563 of 2021 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 one unit of odai sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that A2 has given a statement that the petitioner/A1 was the owner of the vehicle. The learned counsel for the petitioner would further submit that the petitioner is not the owner and hence, he undertakes that he will not claim the property.



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

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5.Considering the nature of the charges levelled against the petitioner and also the facts that the co-accused has already been released on bail by the jurisdictional Magistrate and that the petitioner is not having any previous case for similar offence, 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, Alangulam, 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.15,000/- (Rupees Fifteen Thousand 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 *Govindarajan P. In/ K. S. S. Raji 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/-

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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,
ALANGULAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

+1 CC to Mr.K.PRABHU, Advocate (SR-278[I] dated 19/01/2021)

ORDER

IN

CRL OP(MD) No.108 of 2021

Date :11/01/2021

DAS

SRS/KV/SAR-II/19.01.2021/3P/7C