



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

Date : 25/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1024 of 2021

Sethupathi

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.6 of 2021.

... Respondent/Complainant

For Petitioner : Mr.John Raja Durai.J.,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.6 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed sole accused, apprehends arrest at the hands of the respondent police for the offence punishable under section 379 I.P.C. and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.01.2021, when the defacto complainant was on usual checkup, the petitioner was illegally transporting the sand without any valid permit in JCB bearing Reg.No.TN 67 BY 127. Hence, a complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the respondent police and he is an innocent. He would further submit that no sand was recovered from the petitioner and only JCB was recovered. He would further submit that the petitioner is a law abiding citizen and he undertakes to furnish adequate sureties for his release on Anticipatory bail and would pray for anticipatory bail.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the vehicle involved in the offence was recovered.

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

6.Considering the facts and circumstances of the case and also considering the fact that no sand was recovered from the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.10,000/- (Rupees Ten 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 Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram, 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 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 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.R.Saji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

sd/-
25/01/2021

WEB COPY

/ 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 NO.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.J.JOHN RAJA DURAI, Advocate (SR-474[I] dated 27/01/2021)

ORDER
IN
CRL OP(MD) No.1024 of 2021
Date :25/01/2021

VRN
JM/VR/SAR I/04.02.2021/3P/7C