



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

Date : 09/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1586 of 2021

Seenivasagam

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.1126 of 2020

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha,
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.1126 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C. and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1126 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A-1 were said to have illegally transported one unit of gravel sand by using Tractor. Hence, a complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner's name was not found in the First Information Report. He further submitted that A-1 was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.10144 of 2020, dated 23.09.2020. He further submitted that the petitioner is the driver of the vehicle and he has not committed any offence as



alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the total quantity of sand involved is one unit and the same was recovered by the respondent police. He further submitted that the petitioner is having no previous case.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is having no previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall draw a demand draft in favour of the Patient Welfare Society, Government Headquarters Hospital, Virudhunagar, for a sum of **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 Patient Welfare Society, Government Headquarters Hospital, Virudhunagar, while executing sureties. On acknowledgment of the same by the Patient Welfare Society, Government Headquarters Hospital, Virudhunagar, 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 Court No.II, Sivakasi, 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.K.Shaji 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/-
09/02/2021

/ 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,
SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
GOVERNMENT HEADQUARTERS HOSPITAL, VIRUDHUNAGAR.

ORDER
IN
CRL OP(MD) No.1586 of 2021
Date : 09/02/2021

SJI
TK/VR/SAR.4/16.02.2021/3P/6C