



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1784 of 2021

Velmurugan

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.1/2021.

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S,
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 an Anticipatory Bail in Crime No.1 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.1 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was conducting routine check, the petitioner herein tried to illegally transport half unit of sand. 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 prosecution and he has been falsely implicated in this case. He produced the photographs of the trailer and there is no sand available. Hence, he prayed for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioner.

6.It is seen from FIR that the petitioner illegally transported half unit of sand by using tractor and trailer. On the contrary, from the photographs, it is seen that there is no sand in the trailer and no explanation was given to that effect on the side of the prosecution. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioner shall draw a demand draft in favour of Dean, Government Hospital, Ramanathapuram for a sum of **Rs.25,000/- (Rupees Twenty Five 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.

8.On acknowledgment of the same by the Dean, Government Hospital, Ramanathapuram, 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, Kadaladi, 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.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.

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sd/-
23/02/2021

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

COPY TO:-

THE DEAN,
GOVERNMENT HOSPITAL,
RAMANATHAPURAM.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-1386[I] dated 24/02/2021)

ORDER
IN
CRL OP (MD) No.1784 of 2021
Date :23/02/2021