



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

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1904 of 2021

Pethuraj

... Petitioner/Accused No.2

Vs

State rep.by,
The Inspector of Police,
Mayiladumparai Police Station,
Theni District.
(Crime No.436/2020).

... Respondent/Complainant

For Petitioner : Mr.S.Ramesh Babu,
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.436/2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2 apprehending arrest at the hands of the
respondent police for the offence punishable under section 379 I.P.C
r/w.Section 21(4) of Mines and Minerals (Development and Regulation)
Act, 1957 on the file of the respondent police, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner without
valid permission had illegally transported one unit of sand.

3.The learned counsel appearing for the petitioner submitted
that the petitioner never committed any offence as alleged by the
prosecution

4.The learned Government Advocate (Crl. Side) appearing for the
respondent police submitted that petitioner without valid permission
had illegally transported one unit of sand and six previous case is
pending against the petitioner.



5.Considering the facts and circumstances of the case and also considering the fact that vehicle was seized and also taking into consideration the quantum of sand, 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 Dean, Government Medical College Hospital, Theni for a sum of Rs.20,000/- (Rupees Twenty 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 while executing sureties. On acknowledgment of the same 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, Aundipatti, Theni District 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/-

10/02/2021

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

COPY TO: THE DEAN, GOVERNMENT MEDICAL COLLEGE HOSPITAL,
THENI.

ORDER
IN
CRL OP(MD) No.1904 of 2021
Date :10/02/2021

AAV
PK/VR/SAR-II/15.02.2021 : 3P/6C