



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

Date : 15/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2167 of 2021

B.Maheswaran,
(Name Wrongly Mentioned as Magesh) ... Petitioner/Single Accused

Vs

State rep.by,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(In Crime No.500/2020). ... Respondent/Complainant

For Petitioner : Mr.R.Venkateswaran,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.500/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C. and Section 21(1) 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 was said to have illegally transported river sand using Tractor. Hence, the complaints have been registered.

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

4.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 further submitted that the petitioner is not having any bad



antecedent. 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.On perusal of the F.I.R, it is seen that the petitioner is said to have driven the unregistered Tractor and when the vehicle was stopped, the petitioner said to have unloaded the river sand and fled away. The photographs of the Tractor and Trailer have been produced before this Court. From the photographs, it is seen that there is no presence of sand.

Considering the above facts and circumstances of the case and also considering the fact that there is no previous case pending against 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 Dean, Government Hospital, Ramanathapuram, 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 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 District Munsif cum 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



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/-
15/02/2021

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

COPY TO : THE DEAN, GOVERNMENT HOSPITAL,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.2167 of 2021
Date :15/02/2021

LS
PK/PN/SAR-I/23.02.2021 : 3P/6C