



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2567 of 2021

Sundaravadivelu Kumaran

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime.No. 17 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Sivaraja G,
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.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 I.P.C r/w.Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 and section 3(1) of Prevention of Damage to Public Property Act, 1984 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 77 units of red sad.

3.The learned counsel appearing for the petitioner submitted that the petitioner never committed any offence as alleged by the respondent police. The learned counsel further submitted that a false case has been foisted against the petitioner.



He would also submit that the petitioner had obtained permission to take sand from the land in S.No.339/1.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner without valid permission had illegally 77 units of red sand from the land in Survey No. 341 and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner and also taking note of the fact that the petitioner was granted permission to quarry sand in S.No.339/1 and there found some abrasion in the S.No.341, and there is no dispute with regard to the survey number 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 Rajaji Hospital, Madurai for a sum of Rs.75000/- (Rupees Seventy 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 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 No.II, Usilampatti, Madurai 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.

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03/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
USILAMPATTI, MADURAI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
 - 4 THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.SIVARAJA, Advocate SR.No.1737

ORDER
IN
CRL OP(MD) No.2567 of 2021
Date :03/03/2021

NR/PN/SAR-III(04.03.2021) 3P:7C

<https://hcservices.ecourts.gov.in/hcservices/>