



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2730 of 2021

Rajivgandhi

... Petitioner/Accused No.4

Vs

State rep.by,
The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.1367 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Gandhirajan,
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 :-

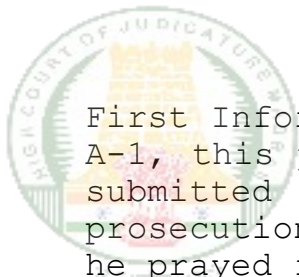
For Anticipatory Bail in crime No.1367 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.4, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C. and Sections 21(1), 4(1), 1(a) of Tamil Nadu Mines and Minerals (Development and Regulation) Act 1957 in Crime No.1367 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were said to have illegally transported $\frac{1}{4}$ unit of river sand. Hence, a complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a load man and his name was not found in the



First Information Report. Based on the confession statement given by A-1, this petitioner arrayed as an accused in this case. He further submitted that 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.

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4.The learned Government Advocate (Crl. Side) for the respondent police submitted that totally there are four accused in this case and A1 in this case was already arrested. 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 employed at Chennai and due to Covid-19 situation, he come to his native place and further, the petitioner's name was not found in the F.I.R and he has been arrayed as accused on the confessions of the co-accused and there is no specific overt act attributed against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall draw a demand draft in favour of Dean, Government Hospital, Theni for a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred 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, Theni, 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 Judicial Magistrate, Theni, 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/-
24/02/2021

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/ /2021

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

SJI

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

COPY TO:
THE DEAN,
GOVERNMENT HOSPITAL, THENI.

ORDER
IN
CRL OP(MD) No.2730 of 2021
Date : 24/02/2021

NR/PN/SAR-I (03.03.2021) 3P:6C