



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4119 of 2021

Pethu @ Thennarasu

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No. 47/2021.

... Respondent/Complainant

For Petitioner : Mr.Geetha.R.M.,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

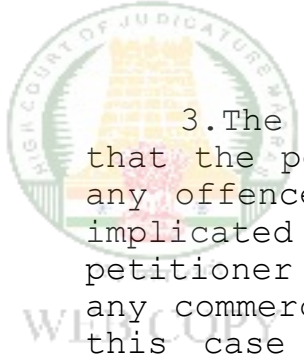
PRAYER :-

For Anticipatory Bail in Crime No. 47 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w Section 21(1) of the Mines and Minerals (Development Regulations) Act, 1957, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07.03.2021 the petitioner and another accused have taken sand from the water channel near Ramachandran's agriculture field in a tractor and on seeing the defacto complainant and the Village Administrative Officer, they have run away from the occurrence place by leaving the tractor with sand. Hence, the present complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner loaded the sand only for construction purpose and not for any commercial purpose. He would also submitted that co-accused in this case was already granted anticipatory bail in CrI.O.P.(MD) No.3899 of 2021, dated 12.03.2021. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI. Side), appearing for the respondent police submitted that there is no previous case against the petitioner. He would further submit that co-accused in this case was already granted anticipatory bail in CrI.O.P.(MD) No.3899 of 2021, dated 12.03.2021.

5.Considering the above facts and circumstances of the case and considering the fact that there is no previous case against the petitioner and co-accused in this case was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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, Thiruvadanai, Ramanathapuram 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 petitioners 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 appear before the respondent Police 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/03/2021

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

+1 CC to M/s.R.M.GEETHA, Advocate (SR-2444[I] dated 23/03/2021)

ORDER
IN
CRL OP(MD) No.4119 of 2021
Date :23/03/2021

LS
TE/SMA : 29/03/2021 : 3P/6C