



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4204 of 2021

P.Anishkumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.187/2020).

... Respondent/Complainant

For Petitioner : Mr.Prabu.M.,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.187/2020 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 of I.P.C., r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.187 of 2020 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 six gunny bags of river sand by using Jeep. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor 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



5.The learned Additional Public Prosecutor appearing for the respondent police submitted that there is no previous case pending against the petitioner.

6.It is seen that the Bolero Jeep bearing Registration No.TN 07 AR 4257 was parked near Indiranagar Maruthi Rice Mill and on inspection, it was found that the said vehicle was carrying six gunny bags of river sand. In diary extract, it is seen that the vehicle was seized and FIR was registered against the unknown accused on 22.11.2020. Thereafter, the petitioner had filed writ petition in W.P.(MD).No.1527 of 2021 claiming ownership of the vehicle, based on the same, the petitioner has been arrayed as accused. It is also seen that the petitioner's vehicle was misused and the petitioner was not present in the scene of occurrence and his name was not found in the FIR. After returning of vehicle, he has been arrayed as accused.

7.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 learned Judicial Magistrate, Singampunari, Sivagangai 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/-
25/03/2021

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/ /2021

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

vsg

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,
SINGAMPUNARI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
S.V.MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4204 of 2021
Date :25/03/2021

NR/VR(30.03.2021) 3P:5C