



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

Date : 25/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4577 of 2021

S.Vajravel

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.93/2021.

... Respondent/Complainant

For Petitioner : Mr.V.M.Jegadeesha Pandian,
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.93 of 2021 on the file of the Respondent Police.

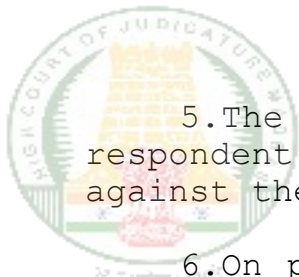
ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.93 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused said to have illegally transported 5 gunny bags of river sand by using two wheeler. 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 is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is not having any bad antecedent. Hence, he is entitled for grant of anticipatory bail to the petitioner.



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

6.On perusal of the materials available on records, it is seen that during the road check up, it was found that A1's two wheeler was carrying five gunny bags of river sand and the vehicle was seized and A1 was caught hold red handed on the spot. The petitioner has been arrayed as accused on the ground that the petitioner had helped A1 in filling up the river sand in gunny bags.

7.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner and A1 has already been arrested and released on bail by the lower Court, 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Kulithalai, Karur 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

/ TRUE COPY /

WEB 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 NO.II,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1 CC to M/s.V.M.JEGADEESA PANDIAN, Advocate (SR-2550[I] dated 25/03/2021)

ORDER
IN
CRL OP(MD) No.4577 of 2021
Date :25/03/2021

VSG
MS/VR/30.03.2021/3P.6C