



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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4853 of 2021

Balamurugan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanad District.
Crime No.44/2021.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

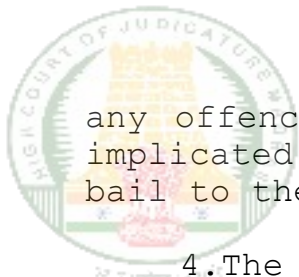
For Anticipatory bail in Crime No. 44/2021 on the file of the Respondent Police

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 and Section 21(4) of the Mines and Minerals (Development and Regulation) Act in Crime No.44 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.03.2021 while the defacto complainant was on routine patrolling, based on the secret information regarding sand theft, he along with his subordinates went to Chitharvadi Junction and they found a tractor bearing registration No.TN-59-BA-6669 loaded with river sand without any valid permit. On seeing the Police, the petitioner poured the sand in the road and escaped. Hence, the complaint.

3.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 and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation is pending.

5.It is seen that the Inspector of Police, attached to the respondent police, on 16.03.2021 was keeping watch over the illegal transportation of sand. At that time, it was found that the tractor bearing registration No.TN-59-BA-6669 was came by loading sand. On seeing the Police, the petitioner poured the sand on the road and escaped from the scene of occurrence. Narration of the First Information Report itself causes some doubts, the manner in which, the occurrence might have been taken place. It is also seen the petitioner has got no bad antecedents.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 No.I, Ramnad, 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/-
30/03/2021

WEB COPY

/ 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 No.I, RAMNAD.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION,
RAMANAD DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.D.VENKATESH, Advocate (SR-2780[I] dated 31/03/2021)

ORDER
IN
CRL OP(MD) No.4853 of 2021
Date :30/03/2021

GNS
TK/JC/SAR.2/08.04.2021/3P/6C