



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4937 of 2021

Ramesh

... Petitioner/Accused No.3

Vs

State rep.by

The Inspector of Police,

Velayuthampalayam Police Station,

Karur, Karur District.

(In Crime No.98 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.Seeni Sulthan,
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.98 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 I.P.C r/w.Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1967 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused attempted to transport river sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution He would also submit that no lorry was seized by the respondent police and the petitioner was not present in the scene of



occurrence. Further the petitioner produced the RC book of the vehicle TN 28 AU 3490 and from the said RC book it is seen that the owner of the vehicle is one Mohanraj.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner along with other accused attempted to transport river sand.

5. It is seen that there are totally three accused in this case and the petitioner herein is arrayed as A3. The petitioner herein used to take sand and load the same using DEERE JCB vehicle and the same was also seized and the person who ran from the scene of occurrence is one Ramesh which was confessed by A1 and A2 who is stated to be the owner of the vehicle. Further from the RC book it is seen that the owner of the vehicle is one Mohanraj.

6.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.

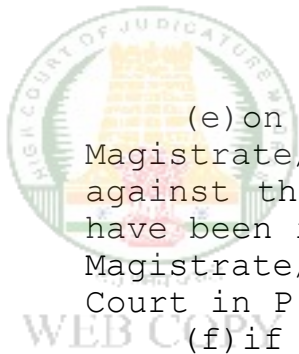
7.Accordingly, the petitioner shall draw a demand draft in favour of **The Dean, Medical College Hospital, Karur for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft while executing sureties. On acknowledgment of the same 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.II, Karur 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



(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/-

31/03/2021

/ 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.II, KARUR.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: The Dean, Medical College Hospital, Karur

ORDER

IN

CRL OP(MD) No.4937 of 2021

Date : 31/03/2021

AAV

AE/PK/SAR-IV (08/04/2021) 3P / 6C