



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

Date : 18/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.8000 of 2021

Jeyasakthi

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Thevaram Police Station,
Theni District
Crime No.354/2021.

... Respondent/Complainant

For Petitioner : Mr.Karthik.A., Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.354 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.354 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was engaged in preventing the offences relating to illegal sand mining on 14.06.2021 at about 03.30 hrs they found a tractor bearing Reg.No. TN 60 H 8052 near Thevaram Moonandipatti water tank. On seeing the police the driver stopped the vehicle and escaped from there. On inspection they found ½ unit of odai manal (ஓடை மணல்) Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that he is ready to abide by conditions and even willing to deposit some amount, hence he seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and the fact that the petitioner alleged to have involved in transporting odai manal (ஓடை மணல்) and the fact that there is no mention in the First Information Report that from where the said sand is retrieved and also the submission made by the learned counsel for the petitioner that he is ready to deposit some amount, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **(*)Judicial Magistrate, Bodinayakanur** 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 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 is directed to deposit a sum of Rs.5,000/- **(Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c]the petitioner shall report before respondent police, daily at 10.30 a.m., until further orders;

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e]the petitioner shall not abscond either during investigation or trial;

[f]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]**;



[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/06/2021

(*)Amended as per order of this Court made in CRL MP(MD) No.4514/2021 in CRL OP (MD) No.8000/2021 dated 05.07.2021 BY GCSJ

Further two weeks time is granted to the petitioner to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance.

/ 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

To be substituted with the order dated 18/06/2021 already despatched.

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. THE JUDICIAL MAGISTRATE, BODINAYAKANUR.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
4. THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

+1 CC to Mr.A.KARTHIK, Advocate (SR-4324[I] dated 05/07/2021)

ORDER IN
CRL OP(MD) No.8000 of 2021
Date :18/06/2021

AAV