



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.6409 of 2021

M.Mahendran

... Petitioner/Accused No.2

Vs.

State Rep.by
The Inspector of Police,
Palanichettipatty Police Station,
Palanichettipatty, Theni District.
(Crime No.177 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.Jeganathan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.177 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC., and under Section 21(1) and 21(4) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.177 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.04.2021 the petitioner along with A1 were illicitly transporting three units of gravel sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he prayed for grant anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of gravel sand involved is three units and the same were recovered by the respondent police. He would further submit that no previous case is pending against him.



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

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Theni, Theni District, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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.3,000/- (Rupees Three Thousand only) to the credit of Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c]the petitioner shall report before the respondent police every Monday 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/05/2021

/ 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.

WEB COPY

TO

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

COPY TO:

THE MANAGER, IOB, SECRETARIAT BRANCH,
CHENNAI-9 (ACCOUNT NO.11720 10000 00070,
IFSC CODE: IOBA0001172)

ORDER

IN

CRL OP(MD) No.6409 of 2021

Date :05/05/2021

VSD

MS/PN/SAR-2/13.05.2021/3P.6C