



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice AA.NAKKIRAN

CRL OP(MD) . No.6581 of 2021

M.Marimuthu

... Petitioner/2nd Accused

Vs

The State Rep. by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District,
Crime No.125/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Baskar Mathuram for
M/s.Mathuram Law Associates

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

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

PRAYER :- For Anticipatory bail in Crime No. 125/2021 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 of IPC r/w Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.125 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner illegally transported 1 ½ unit of red sand in his Tractor, without valid permission from the authorities.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false complaint has been lodged against them and he pray for anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit the petitioner had illegally transported 1 ½ unit of red sand in his Tractor. He further submitted that the sand and the vehicle were seized by the respondent police.



5. Taking into consideration the facts and circumstances of the case and also fact that the sand and the vehicle were seized, this Court is inclined to grant anticipatory bail to the petitioner.

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, Rajapalayam on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Rajapalayam District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.7,000/- (Rupees Seven Thousand only) to the credit of IOB, 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 on the first working day of every English Calendar month, at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/05/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

ORDER
IN
CRL OP(MD) No.6581 of 2021
Date :12/05/2021

VRN
TE/MNR/SAR-IV : 20/05/2021 : 3P/6C