



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

Wednesday, the Twelfth day of May Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6605 of 2021

Mahalingam ... Petitioner/Accused Rank not known

Vs

State represented by,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District
Crime No.76/2021.

... Respondent/Complainant

For Petitioner : M/s.Ananda Raj A,
Advocate.

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. 76 Of 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 alleged offences under Sections 379 IPC
and Section 21(1) of Mines and Minerals (Development and Regulation)
Act, 1957, seeks Anticipatory Bail.

2.The case of the prosecution is that the petitioner
illegally transported 1 unit of river sand by using a tractor
vehicle bearing Registration No.TN-65-AE-1354 without valid
permission from the authorities.

3.Heard the learned counsel for the petitioner and the
learned Government Advocate (Crl.Side) appearing for the respondent.

4.The learned counsel for the petitioner would submit that
the petitioner is an innocent person and he has been falsely
implicated in this case.



5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner had illegally transported 1 unit of river sand by using a tractor vehicle bearing Registration No.TN-65-AE-1354 without valid permission.

6.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.

7.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 District Munsif cum Judicial Magistrate, Thiruvadanai, 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 District Munsif cum Judicial Magistrate, Thiruvadanai 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.12,000/- (Rupees Twelve 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

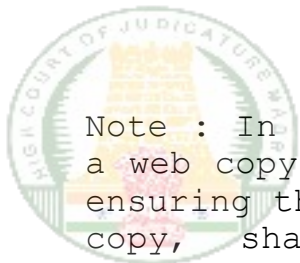
[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g]If the accused thereafter 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.

WEB COPY

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUVADANAI
- 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THONDI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE OFFICER INCHARGE,
IOB, SECRETARIAT BRANCH, CHENNAI-9
(ACCOUNT NO.11720 10000 00070, IFSC CODE: IOBA0001172

ORDER
IN
CRL OP(MD) No.6605 of 2021
Date :12/05/2021

VRN
CSL/MNR/SAR-IV/20.05.2021 : 3P/6C