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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

PRESENT

The Hon'ble Mr.Justice AA.NAKKIRAN

CRL OP(MD) . No.6634 of 2021

Moorthy

... Petitioner/Accused No.2

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Crime No.105 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Ravi.R.,
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.105 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 21(1) of Mines and Minerals Development and Regulation (MMDR) Act r/w 379 IPC, in Crime No.105 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The case of the prosecution is that on 21.04.2021 at about 09.00 hours, the petitioner illegally transported half unit of



river sand in private patta land in tractor with the help of JCB. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and due to political motive, a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner illegally transported half unit of river sand without permit and therefore, he strongly opposed to grant anticipatory bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case, 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 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.I, Ramanathapuram District, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b)the petitioner is directed to deposit a sum of Rs.6,000/- (Rupees Six 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 their rights and contentions before the trial Court;

(c)the petitioner shall report before the respondent police on first working day of every Month 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]**; and



(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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.I,
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMANATHAPURAM 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.6634 of 2021
Date :12/05/2021
(2/2)

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