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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.6687 of 2021

Kumar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Keelavalavoo Police Station,
Madurai District.
Crime No.91 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Amalan.S.MP,
Advocate.

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

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

PRAYER :-

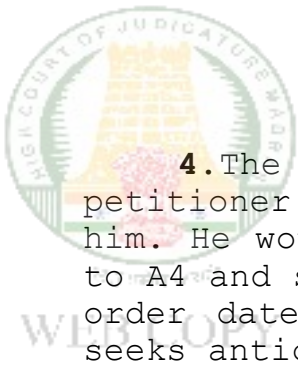
For Anticipatory bail in Crime No.91 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 I.P.C., and Section 21(5) of Mines and Minerals Development and Regulation (MMDR) Act in Crime No.91 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.

3. The case of the prosecution is that on 11.04.2021 at about 11.30 a.m, the petitioner illegally transported one unit of 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 a false case has been foisted against him. He would further submit that the respondent police arrested A2 to A4 and subsequently, A2 to A4 were released by this Court vide an order dated 23.04.2021, in CrI.O.P.(MD)No.5853 of 2021. Hence, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate(CrI.Side) appearing for the respondent would submit that the quantity of sand involved is one unit and therefore, he strongly opposes 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, Melur, Madurai District and on his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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.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 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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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,
MELUR, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KEELAVALLAVOO POLICE STATION,
MADURAI 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.6687 of 2021
Date :12/05/2021

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