



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7362 of 2021

Kalaiyarasan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Chatrakudi Police Station,
Chatrakudi, Ramamathapuram.
Crime No.98/2021.

... Respondent/Complainant

For Petitioner : Mr.V.Selvakumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.98/2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.98 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have removed sand from Survey No.202/11A in Patta No.2905 owned by one Maruthupandi and Thakchinamoorthy using the JCB vehicle.

3.The learned counsel for the petitioner would submit that even assuming the allegation made in the First Information Report is true, the sand was removed from only the patta land of one Maruthupandi and Thekchinamoorthy. He would further submit that the petitioner is ready to abide by any conditions.

4.The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed this petition on the ground that investigation is pending. He would further submit that the petitioner is having no previous case.



5. Taking note of the fact that the sand was removed from the patta land of one Maruthupandi and Thekchinamoorthy and there is no specific mention in the First Information Report as to whether the removed sand was river sand or some other sand, 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, Paramakudi, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, 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.10,000/- **(Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in 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 and produce the receipt/acknowledgment before the learned Judicial Magistrate, Paramakudi;

[c] the petitioner shall report before the respondent police daily 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]**;

[g] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2021

/ 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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
CHATRAKUDI, RAMANATHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI - 9.

ORDER
IN
CRL OP(MD) No.7362 of 2021
Date : 08/06/2021

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