



WEB COPY

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

Date : 26/05/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7061 of 2021

Madasamy ... Petitioner/Accused No.8

Vs

State Rep. by
The Inspector of Police,
Appayanaickenpatti Police Station,
Virudhunagar District.
Crime No.41 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Lenin Kumar.T,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in the Crime No.41 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 offences punishable under Section 379 I.P.C & Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.41 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported the river sand by using JCB bearing Registration No.TN-29-AP-5718. Hence, this case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.



4.The learned Additional Public Prosecutor, on instructions, would submit that totally, there are eight accused in this case. The petitioner is A8 and he had transported two units of river sand without valid permission and there is one previous case pending against him. Hence, he opposed for granting anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6.Considering the above facts and circumstances of the case and also the fact that the property was recovered and considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest in prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.I, Sattur, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate 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 card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty 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;

[c]the petitioner shall report before the respondent police as and when required for interrogation.

[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/-

26/05/2021

/ 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 NO.I, SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
APPAYANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3755[I] dated 27/05/2021)

ORDER

IN

CRL OP(MD) No.7061 of 2021

Date :26/05/2021

SSB

JM/VR/SAR IV/31.05.2021/3P/7C

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