



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7087 of 2021

Murugan

... Petitioner/1st Accused

Vs

The State, Represented by its
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District,
Crime No.285/2021.

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik.M.S.,
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 Crime No. 285 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 offence punishable under Section 379 I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.285 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported the river sand by using Tipper Lorry bearing Registration No.TN-05-Y-9208 and JCB bearing Registration No.TN-28-AP-9675.Hence, the complaint.

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. He 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 five accused in this case. The petitioner herein is arrayed as Accused No.1. The petitioner along with other accused had illegally transported 1 ½ unit of river sand without any valid permission. He would further submit that the petitioner is having one previous case in Crime No.154 of 2019, which is similar in nature.

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

6.Considering the 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 the 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, Kamuthi, 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.22,500/- (Rupees Twenty Two Thousand and Five hundred 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

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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
KAMUTHI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ABIRAMAM 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.

+1CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3727[I] dated
26/05/2021)

ORDER
IN
CRL OP (MD) No.7087 of 2021
Date : 26/05/2021