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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2021

PRESENT

The Hon'ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.7263 of 2021

Dheepan ... Petitioner/3rd Accused

Vs

The State rep. by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.54 of 2021) ... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
Advocate.
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 54/2021 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 of IPC r/w 21(iv) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.54 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 2 ½ units gravel sand. 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 and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

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4.The learned Additional Public Prosecutor, on instructions, would submit that the petitioner had illegally transported 2 ½ units of gravel sand without any valid permission and that there is no previous case pending against 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 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.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Karaikudi, Sivagangai District, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation 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.17,500/- (Rupees Seventeen Thousand and Five Hundred only) to the credit of Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), 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

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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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/06/2021

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/ /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,
   KARAIKUDI, SIVAGANGAI DISTRICT.

2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
   SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
   KALLAL POLICE STATION,
   SIVAGANGAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023.

ORDER
IN
CRL OP(MD) No.7263 of 2021
Date :07/06/2021

SM
SRS/VR/SAR-III/14.06.2021/3P/6C

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