



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7483 of 2021

Ganesan

... Petitioner/Accused No.4

Vs

The State Represented by
Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.160/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Boopathi Pandiyan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.160 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 alleged offences punishable under Sections 379 of IPC in Crime No.160 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 16.04.2021, at about 06.00 a.m., when the respondent police were in routine check up, the petitioner was trying to transport ¼ unit of savadu sand by using JCB bearing Registration No.TN-63-BA-9982 with two tractors bearing Registration Nos.TN-25-AD-2676 and TN-63-AP-2676 from the patta land without proper permission or licence. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submitted that already the Accused Nos.2 and 3 were granted anticipatory bail by this court. Hence, he requested the court to grant anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.side) submitted that the respondent police has found the alleged theft of savadu sand. He would further submit that there is no previous case pending against the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

6.Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with 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, Manamadurai, 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 15 days, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation. On such execution of bond before the concerned Magistrate, the own bond executed before the respondent Police shall stand cancelled automatically.

(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/acknowledgement before the learned Judicial Magistrate, Manamadurai.

(c)the petitioner shall report before respondent police daily at 10.30 am., 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/06/2021

/ 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, MANAMADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI 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.

ORDER
IN
CRL OP(MD) No.7483 of 2021
Date : 09/06/2021

kmm
JM/JC/SAR III/15.06.2021/3P/6C