



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7850 of 2021

K.Mayandi

... Petitioner/Accused No.4

Vs

State through
The Special Sub Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
(Crime No.241/2021)

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel for
Mr.Prabhu.K.,
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.241 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 Section 379 IPC in Crime No.241 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.06.2021, at about 06.30 pm., the defacto complainant and the Police party found a tractor bearing registration No.TN76 M 4125 and trailer bearing registration No.TN76 M 4168 came from Gokulapuram Nager and they stopped the vehicle and it was found one unit of saral sand, worth about Rs.1,500/-. It is alleged that saral sand was transported without any licence. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the transportation of saral sand. He further submitted that the

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petitioner is only owner of the tractor and trailer and co-accused in this case were released on bail by the respondent police in the station itself.

4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that the petitioner is having six previous cases, out of which three cases are similar in nature and investigation in this case is pending.

5.Taking note of the facts of the case where it has been specifically alleged that the sand illegally transported was saral sand and also the fact that material witnesses are official witnesses, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 shall make a non-refundable deposit for a sum of **Rs.15,000/- (Rupees Fifteen 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, Tenkasi;

[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/-
16/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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,
TENKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.
- 3 THE SPECIAL SUB INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI 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.

ORDER
IN
CRL OP(MD) No.7850 of 2021
Date :16/06/2021

KM:RSK:SAR3(22.06.2021) 3P 6C

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