



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8199 of 2021

Meenatchisundaram

... Petitioner/Accused No.1

Vs

State represented by,
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No.160/2021).

... Respondent/Complainant

For Petitioner : Mr.R.Senthil Kumar,
Advocate.

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

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

PRAYER :-

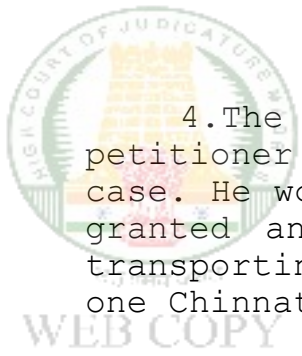
For Anticipatory Bail in Crime No.160/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, 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 16.01.2021, at about 06.30 a.m., when the respondent police were in routine check up, the petitioner was trying to transport $\frac{1}{4}$ 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.

3.This petitioner had already filed an anticipatory bail petition before this Court in Crl.O.P.(MD)No.5781 of 2021 and this Court dismissed the petition on 27.04.2021, stating that the petitioner was illegally transporting $\frac{1}{4}$ unit of savadu sand.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused in this case had been granted anticipatory bail and that the petitioner was illegally transporting ¼ unit of savudu sand from the land which belongs to one Chinnathambi. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that co-accused had been granted anticipatory bail by this Court.

6.Considering the facts and circumstances of the case, the fact that the sand involved in this case is ¼ unit of savudu sand from the land which belongs to one Chinnathambi and the fact that the co-accused had been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.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, Manamadurai, 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 conditions 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand 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 and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c]the petitioner shall report before respondent police, daily at 10.30 a.m., 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]**; and



[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/06/2021

/ TRUE COPY /

/ /2021

WEB COPY

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.

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MADURAI BENCH OF MADRAS HIGH COURT,
Madurai-625 023

ORDER
IN
CRL OP(MD) No.8199 of 2021
Date :28/06/2021

SM
PK/VR/SAR-II/30.06.2021 : 3P/6C