



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

Date : 22/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8125 of 2021

Vivek

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruvidadaimaruthur Police Station,
Thanjavur District.
Crime No.639/2021.

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
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. 639 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.639 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 08.06.2021 at about 11.30 am., on information defacto complainant had gone to the agricultural land of the petitioner herein and found the petitioner herein removing clay soil using bullock cart from his agricultural land without any permission, therefore this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has removed sand from his own land for agricultural purpose.



4.The learned Government Advocate (Crl.side) for the respondent opposed this petition on the ground that investigation not yet completed. He would further submit that the petitioner has removed sand from his own land without any permission.

5.Taking into consideration the facts and circumstances of the case and the fact that the petitioner has removed clay soil from his own land for agricultural purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Thiruvidaimaruthur, Thanjavur District 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 report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond either during investigation or trial;

[e]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]**;

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

sd/-

22/06/2021

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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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8125 of 2021
Date : 22/06/2021

AAV
PK/PN/SAR-III/25.06.2021 : 3P/5C