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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8446 of 2021

Pushpavanam

... Petitioner/1st Accused

Vs

The State Rep. By
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime.No. 437 of 2021.

... Respondent

For Petitioner : Mr.Jeyakarthik M.S.,
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.437 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 21(4) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.437 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 10.06.2021 at about 5.30 pm., when the respondent police were engaged in routine rounds they found a tipper lorry bearing Reg.No TN 94 Z 6260 and stopped the vehicle and found MC sand without any valid permission. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence he seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that no previous case of similar nature is pending against the petitioner.

5. Considering the facts and circumstances of the case and the fact that sand illegally transported and the vehicle used for transportation has been seized and also the fact no previous case is pending against the petitioner and the fact that the material witness are official witnesses and the fact that the sand illegally transported is m.sand, this Court is inclined to grant anticipatory bail to the petitioner with 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, Theni 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 is directed to deposit a sum of Rs.25,000/- **(Rupees Twenty Five Thousand only)** to the Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), 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]**;



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

sd/-
12/07/2021

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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
THENI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
3. THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI 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.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-4523[I] dated 13/07/2021)

ORDER
IN
CRL OP(MD) No.8446 of 2021
Date :12/07/2021

AAV

USK/JC/SAR-V : 14/07/2021 : 3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>