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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2021

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.8587 of 2021

A.Kasi

... Petitioner/Accused No.1

Vs

The State Rep. By
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
(Crime.No.67 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.Malaikani,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Government Advocate (Crl.Side)

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

PRAYER :-

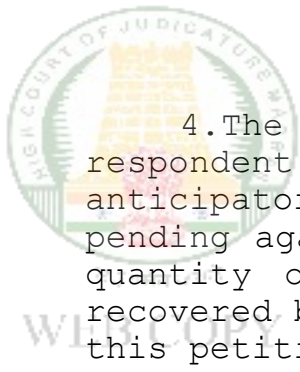
for Anticipatory Bail in Crime No.67 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 353 and Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.67 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.04.2021, the petitioner along with the co-accused said to have illegally transported two units of gravel sand by using Tipper Lorries with the help of JCB. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the co-accused had already been granted anticipatory bail by this Court and the petitioner is ready to abide by any conditions.



4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that this is the petitioner's third anticipatory bail petition and there are three previous cases pending against the petitioner. He further submitted that the total quantity of gravel sand involved is two units and the same was recovered by the respondent police. Hence, he prays for dismissal of this petition.

5.Taking note of the fact that the allegation against the petitioner and other accused is that they illegally removed gravel sand and the co-accused has already been granted anticipatory bail by this Court and the substantial portion of the investigation in this case is over, 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 No.I, Kovilpatti, 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 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 No.I, Kovilpatti;

[c] the petitioner shall report before the 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
09/07/2021

/ 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 NO.I,
KOVILPATTI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO :

THE OFFICER INCHARGE
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMILNADU,
SECRETARIAT,
CHENNAI-9.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-4469[I] dated 09/07/2021)

ORDER
IN
CRL OP (MD) No.8587 of 2021
Date :09/07/2021