



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

Date : 29/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8501 of 2021

Arivalagan

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Bodi Taluk Police Station,
Theni District
Crime No.498/2021.

... Respondent/Complainant

For Petitioner : Mr.P.Senguttuarasan,
Advocate.

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

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

PRAYER :-

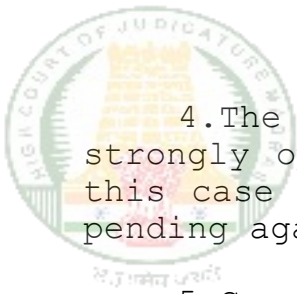
For Anticipatory bail in Crime No.498 of 2021 on the file of the Respondent police.

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 Section 379 of IPC r/w.Section 21 of Mines and Minerals (Development and Regulation) Act in Crime No.498 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the police party were engaged in a vehicle check up at Nagalapuram Village at about 10.30 a.m., on 18.06.2021, they found that the Tipper Lorry bearing Registration No.TN-38-BH-6392 coming with 3.5 unit of gravel sand. On enquiry, the accused had escaped from the scene. 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 further submitted that no previous case is pending against the petitioner and hence, he seeks anticipatory bail.



4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is pending. He fairly conceded that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and the fact that the vehicle was found with 3.5 units of gravel sand and also the fact that there is no specific mention about the place where from, the gravel sand was removed, 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, Bodi, 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 deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** as non-refundable deposit to the credit of **Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708)**, 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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/06/2021

WEB COPY

/ 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, BODI,
THENI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO: THE OFFICER IN-CHARGE,
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH, COIMBATORE

ORDER
IN
CRL OP(MD) No.8501 of 2021
Date :29/06/2021

SJI
PK/VR/SAR-V/02.07.2021 : 3P/6C