



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.8516 of 2021

Saravanan

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Devipattinam Police Station,
In Cr.No.204/2021,
Ramanathapuram District.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

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

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

PRAYER :-

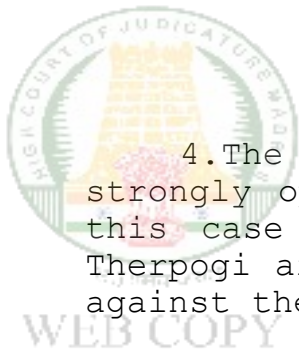
For Anticipatory Bail in Crime No.204 of 2021 on the file of the respondent police.

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. Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.204 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 20.06.2021 at about 07.30 a.m., the police party found that some persons were removing sand near Therpogi area. On visiting the site, the police party found one unit of savudu sand was loaded in Tractor and Tailor bearing Registration No.TN-31-K-0930. On seeing the police, the person, who was loading Savudu sand, 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 the said savudu sand was removed from the private land. 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 and that the savudu sand was removed from Therpogi area. He fairly conceded that no previous case is pending against the petitioner.

5.The learned counsel for the petitioner claims that it is a private land. The learned Government Advocate (Criminal side) is not in a position to ascertain as to whether the savudu sand was removed from the place, which is a Government land or private land.

6.Considering the above facts and circumstances of the case, 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 No.I, Ramanathapuram, 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.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit to the credit of **Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving 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 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

/ TRUE COPY /

WEB 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,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE OFFICER INCHARGE,
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MADRAS HIGH COURT MADURAI BENCH,
MADURAI-625 023

ORDER
IN
CRL OP(MD) No.8516 of 2021
Date :29/06/2021

SJI
PK/MNR/SAR-V/06.07.2021 : 3P/6C