



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

Date : 01.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.8651 of 2021

T.Suman

... Petitioner/Accused No.1

Vs

The State Represented by,
The Inspector of Police,
Pazhvoor Police Station,
Tirunelveli District.
In Crime No.119/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Mohamed Riyaz,
Advocate

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of TamilNadu
(Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.119 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.119 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 07.05.2021, at about 10.00 am, when the police party were in duty near Viswanathapuram Check Post, they found 407 Tempo bearing Registration No.TN 74 C 6415 carrying 1 unit of sea sand worth Rs.5,000/-. On seeing the Police, the occupants of the vehicle escaped. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the sea sand was transported only for agricultural purpose of planting coconut trees and therefore, he seeks anticipatory bail to the petitioner.



4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5. Considering the fact that the sand involved in this case is sea sand and that it was transported for planting coconut trees, this Court is inclined to grant anticipatory bail to the petitioner.

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, Valliyoor 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.10,000/- (Rupees Twenty Thousand only) to the credit of Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to their 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 am., 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/-

01/07/2021

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
VALLIYOOR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PAZHVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE OFFICER IN-CHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023

+1. CC to Mr.M.MOHAMEDRIYAZ, Advocate SR.No.4291

ORDER
IN
CRL OP(MD) No.8651 of 2021
Date :01/07/2021

MBI

PK/PN/SAR-III/05.07.2021 : 3P/7C