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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.07.2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8772 of 2021

Ananthakumar

... Petitioner/Accused

Vs

The State Represented by,
The Inspector of Police,
Musiri Police Station,
Tiruchirappalli District.
Crime No.261 of 2021

... Respondent

For Petitioner : Mr.B.Vetrivel

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

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

PRAYER :-

For Anticipatory Bail in Crime no.261 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, 1860 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.261 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 17.06.2021, at about 16.30 hours, the respondent Police found near Aravayi Temple, two TVS XL SUPER vehicles bearing Registration Nos.TN 30 A 2966 and TN 01 X 6298, in which, the accused illegally transported 8 bags of river sand. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. 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 quantity of river sand said to have been illegally transported and the fact that the petitioner has no previous case pending, 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, Musiri 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 Ten Thousand only) 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 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/-
05/07/2021

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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, MUSIRI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TIRUCHIRAPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH,
COIMBATORE.

ORDER
IN
CRL OP(MD) No.8772 of 2021
Date :05/07/2021

MBI
TE/MNR/SAR-V : 08/07/2021 : 3P/6C