



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.8838 of 2021

HARIDASS

... PETITIONER/4th ACCUSED

VS

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ELAYANKUDI POLICE STATION,
SIVAGANGAI.

(In CRIME NO.71 OF 2021) ... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.M.JERIN MATHEW
ADVOCATE

FOR RESPONDENT : MR.P.KOTTAI CHAMY
GOVERNMENT ADVOCATE (CRL. SIDE)

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

PRAYER :-

For Anticipatory Bail in Crime no.71 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 Sections 379 and 506(2) of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.71 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 08.03.2021, the accused had illegally unloaded sand in house of one Dheivendhran. When the defacto complainant/Rajeswari, Village Administrative Officer tried to stop the vehicle, the accused had escaped from there along with the vehicle. Hence, the complaint.

3. The learned counsel for the petitioner submits that this petitioner is implicated in this case at the instance of the Village Administrative Officer, with whom, the petitioner is having previous enmity.



4. The learned Government Advocate (Criminal Side), on instructions, would submit that neither sand nor vehicle has been recovered from the accused. He would further submit that no other case of similar nature is pending against the petitioner.

5. Considering the nature of allegation levelled against this petitioner, the fact that the petitioner has no previous case of similar nature and that neither sand nor vehicle has been recovered, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

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 Judicial Magistrate, Elayangudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions 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 report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
12/08/2021

/ 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,
ELAYANGUDI.
- 2.DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT
- 3.THE INSPECTOR OF POLICE,
ELAYANKUDI POLICE STATION,
SIVAGANGAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC TO M/S.M.JERIN MATHEW, ADVOCATE (SR-5395[I]
DATED 13/08/2021)

ORDER
IN
CRL OP(MD) No.8838 of 2021
Date :12/08/2021

GC/JM/SAR-I/23/08/2021/3P/6C