



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9036 of 2021

Theivendran @ Theyvendran ... Petitioner/Sole Accused

Vs

The State through the Inspector of Police,
Abiramam Police Station,
Ramnad District.
Crime No.369 of 2021.

... Respondent/Complainant

For Petitioners : Mr.S.J.Chakkaravarthy,
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.369 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 IPC r/w Section 21(1) of the Mines and Minerals (Development &
Regulation) Act in Crime No.369 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 20.06.2021, sand was
taken in survey No.6/1, belongs to one Jeevanantham without any
permission. He found sand was stocked in 135 cement sacks. Hence,
the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police opposed this petition on the ground that



investigation is not completed and the petitioner is having previous cases pending and those cases are registered under IPC and not similar in nature.

5.It is seen that the sand was removed from the private land without permission. Considering the fact that material witnesses in this case are official witnesses and also the fact that the sand was recovered, 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, Kamuthi, Ramnad District, 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), 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/-

09/07/2021

/ TRUE COPY /

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/ /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,
KAMUTHI,
RAMNAD DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMNAD DISTRICT.
- 3 THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION,
RAMNAD 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.

+1. CC to MR.S.J.CHAKKKARAVARTHY, Advocate SR.No.4498

ORDER

IN

CRL OP(MD) No.9036 of 2021

Date :09/07/2021

GNS

MS-MK/JC/SAR II/13.07.2021/3P/7C