



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9041 of 2021

Jagadeesan

... Petitioner/Accused No 2

Vs

State Rep by,
The Inspector of Police,
Thevaram Police Station,
Theni District.
(In Crime No. 1657/2020)

... Respondent/Complainant

For Petitioner : Mr.M.Maran
Advocate.

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

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

PRAYER :-

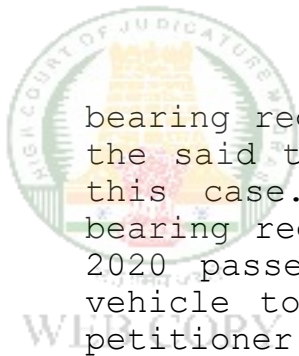
For Anticipatory Bail in Cr.No. 1657 of 2020 on the file of the respondent police.

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 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, in Crime No.1657 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 02.10.2020 at about 11.00 am., the police party found near Thamminayakkanpatty a tractor bearing registration No.TN 60 Q 2719 with ½ unit of oodai sand. The driver of the tractor informed that his name is Gobalakrishnan and owner of the tractor, one Jagadeesan directed him to bring sand. There is no licence or permit for transporting the sand. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is not owner of the tractor



bearing registration No. TN 60 Q 2719. One Mokkaia is the owner of the said tractor and the petitioner has been falsely implicated in this case. In this regard, he produced RC book of the tractor bearing registration No. TN 60 Q 2719 and order in Cr.M.P.No.3129 of 2020 passed by the learned Principal Judge, Theni for return of vehicle to Mokkaia. Therefore, he seeks anticipatory bail to the petitioner.

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

5. This incident had happened on 02.10.2020. The petitioner is implicated in this case on the basis that he is the owner of the tractor. However, RC book and order in Cr.M.P.No.3129 of 2020 show that one Mokkaia is the owner of the tractor. In the said circumstances, 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, Bodinayakanur, 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 report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with 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/-
16/07/2021

/ TRUE COPY /

/ /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,
BODINAYAKKANUR.
- 2.DO THRO THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9041 of 2021
Date :16/07/2021

GNS
RT/JC/SAR-IV/22.07.2021/3P/5C