



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

Date : 20/07/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9541 of 2021

Yovan Rajadurai

... Petitioner/Accused-2

Vs

The State rep.by
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
Crime No. 128/2021.

... Respondent/Complainant

For Petitioner : Mr. MUTHU GANESA PANDIAN, 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. 128 of 2021 on the file of
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w.Section 21(4) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.128 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 10.07.2021 at about 3.00 pm., in Ponnagar Survey No.248 the defacto complainant along with his assistant found some un-identified persons removing sand using JCB bearing Reg. No.TN 63 BV 1261 without any valid permission using JCB. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner herein is only the owner of the vehicle.



4.The learned Government Advocate(Crl.Side) opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that no previous case is pending against the petitioner.

5. It is seen from the facts of the case that the vehicle was used for removing gravel sand. The petitioner herein is owner of the vehicle.

6. Considering the facts and circumstances of the case and the fact that the co-accused have been granted anticipatory bail and the fact that no previous case is pending against the petitioner and also the fact that material witnesses are official witnesses , this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.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, Karaikudi, 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 the respondent police, daily at 10.30 a.m., 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/-
20/07/2021

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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,
KARAIKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
- 3.THE INSPECTOR OF POLICE
ALAGAPPAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.9541 of 2021
Date :20/07/2021

SA/JM/SAR.1/26.07.2021/3P/5C