



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9775 of 2021

Sakthi @ Sakthi Kumar

... Petitioner/Accused No. 4

Vs

The State rep.by
The Inspector of Police,
Uchipuli Police Station,
Ramanthapuram District
Crime No.313 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.ANANDA RAJ, 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. 313/2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.313 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused said to have illegally transported sand without permission from the government officials. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is the owner of the patta land and he is innocent and he



has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any conditions.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that one previous case is pending against the petitioner.

5.Taking note of the fact that the material witnesses are official witnesses and the fact that the sand was recovered by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

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 No.1, Ramanathapuram, 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:

i)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;

ii)the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non-refundable deposit to the credit of **Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023** (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), 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;

iii)the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

iv)the petitioner shall not tamper with evidence or witness.

v)the petitioner shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/07/2021

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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 NO.1,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANTHAPURAM DISTRICT.
4. THE OFFICER INCHARGE,
MADRAS HIGH COURT MADURAI BENCH,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI-625 023.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.9775 of 2021
Date : 23/07/2021

SA/JM/SAR.3/27.07.2021/3P/6C