



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9813 of 2021

A.Vijayadhas

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Crime No.338/2021.

... Respondent/Complainant

For Petitioner : Mr.J.Pandi Dorai,
Advocate.

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

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

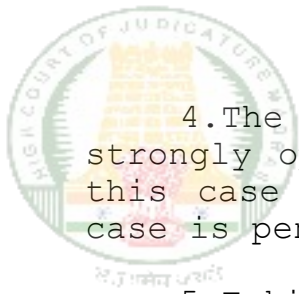
PRAYER :-For Anticipatory Bail in Crime No.338 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, 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.338 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.07.2021 at 06.00 a.m., the respondent police while conducting the vehicle check up, at that time, the petitioner had loaded one unit of blue metal (minor mineral) illegally by using Tempo Van bearing Registration No.TN-75-AF-8190 without proper permission. On seeing the police party, they escaped from the scene. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is the owner-cum-driver of the vehicle and he obtained permission from the government officials 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 investigation in this case is not completed. He fairly conceded that no previous case is pending against the petitioner.

5.Taking note of the fact that the material witnesses are official witnesses and the fact that no previous case is pending against the petitioner, 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.II, Kulithurai, Kanyakumari 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:

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 as and when required for interrogation.

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

/ TRUE COPY /

WEB 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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KULITHURAI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADRAS HIGH COURT MADURAI BENCH, MADURAI-625 023.

+1 CC to MR.J.PANDIDORAI, Advocate. (SR-4805[I] dated 23/07/2021)

ORDER
IN
CRL OP(MD) No.9813 of 2021
Date :23/07/2021

SJI
MK/JM/SAR.IV/27.07.2021/3P/7C