



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.9798 of 2021

Nagadevan

... Petitioner/Accused
(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No. 168 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.LENIN KUMAR, Advocate.

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

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

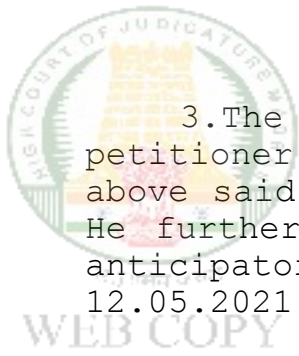
PRAYER :-

For Anticipatory Bail in Crime No.168 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 379 of IPC and 21(4) of Mines and Minerals (Development and
Regulation) Act, 1957, in Crime No.168 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner and other
accused said to have illegally transported one unit of gravel sand
by using Tractor and Trailer bearing Registration No.TN-51-C-6637.
Therefore, this case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is only a load man and he is no way connected with the above said offence and he has been falsely implicated in this case. He further submitted that the co-accused had already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.6668 of 2021 on 12.05.2021 and he is ready to abide by any conditions.

4.The learned Government Advocate (Crl.side) for the respondent submitted that the petitioner is having no previous case and the co-accused in this case has already been granted anticipatory bail by this Court on 12.05.2021.

5.Taking note of the fact that the allegation against the petitioner and other accused is that they illegally transported gravel sand and the co-accused has already been granted anticipatory bail by this Court and the substantial portion of the investigation in this case is over, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Sivakasi, 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:

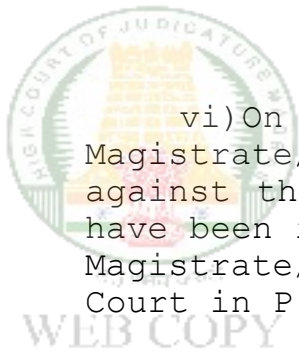
i)the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

ii)the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non-refundable deposit to the credit of **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;

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 /

/ /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
SIVAKASI.
2. DO-TROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTTUR
3. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE OFFICER INCHARGE,
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH, COIMBATORE.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.9798 of 2021
Date : 23/07/2021

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