



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.9849 of 2021

Pandiyan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Panayappatti Police Station,
Pudukkottai District.
(Crime No.145 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Shajahan,
Advocate.

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

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

PRAYER :-

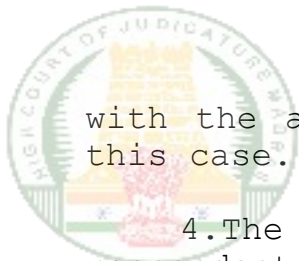
For Anticipatory Bail in Crime No.145 of 2021 on the file of the Respondent Police.

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 r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.145 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 11.07.2021 at about 03.00 p.m., the petitioner said to have illegally loaded three units of gravel sand by using vehicle bearing Registration No.TN-37-BM-9555 with the help of JCB bearing Registration No.TN-65-S-7825. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he is no way connected



with the above said offence and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) for the respondent submitted that the petitioner is having no previous case and the investigation in this case is not completed.

5.Taking note of the fact that the allegation against the petitioner is that he illegally loaded gravel sand 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, Thirumayam 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 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,
THIRUMAYAM
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PANAYAPPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH,
COIMBATORE.

+1 CC to Mr.A.SHAJAHAN, Advocate (SR-4809[I] dated 23/07/2021)

ORDER

IN

CRL OP(MD) No.9849 of 2021

Date :23/07/2021

SJI

SRS/VR/SAR-II/28.07.2021/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>