



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9989 of 2021

Nallamuthu ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Thuraiyur Police Station,
Thuraiyur, Trichy District.
(In Crime No.483 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, Advocate

For Respondent : Mr.T.Senthilkumar
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.483 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.483 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 21.07.2021, the petitioner had illegally transported red sand by using lorry. Hence, the complaint.

3. The learned Government Advocate (Criminal Side), on instructions, would submit that the petitioner has three previous cases of similar nature.

4. The learned counsel for the petitioner submits that the petitioner is running a bricklin and for that purpose, he has taken red sand from the adjacent land and the previous cases are also registered with regard to the same.



5. Considering the facts and circumstances of the case and the mineral which is transported is red sand, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is allowed and the petitioner is granted anticipatory bail on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Thuraiyur.

6. On production of such receipt/acknowledgment, 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 Judicial Magistrate Court, Thuraiyur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions 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 respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

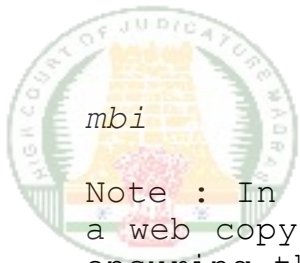
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
10/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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

COPY TO

THE OFFICER-IN-CHARGE
GOVT.OF TAMIL NADU
CHIEF MINISTER PUBLIC RELIEF FUND in IOB
SECRETARIAT BRANCH
CHENNAI-9

ORDER
IN
CRL OP(MD) No.9989 of 2021
Date :10/08/2021

PKP/VR/SAR-3/18/08/2021/3P/6C