



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) .No.10015 of 2021

M.Robert Kennedy

... Petitioner/Accused No.2

Vs

The State Rep. by,
The Inspector of Police,
Mathur Police Station,
Pudukkottai District.
(Crime No.168 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and r/w Section 21(1) of Mines and Mineral (Development and Regulation) Act, 1957, in Crime No.168 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant found that the vehicle bearing registration No.TN-55-AZ-9199 TRACTOR-TIPPER with ½-unit of gravel sand near the house of Sebastian, Eluvampatti on 17.07.2021. Therefore, the present complaint came to be registered against the petitioner and other accused.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that



investigation is pending and one previous case is pending against the petitioner in Crime No.3 of 2020, Mathur Police Station for the offence under Sections 294(b), 323, 326, 506(ii) IPC.

5. It is seen that the sand involved in this case is a gravel sand and the sand and vehicle were seized and the material witnesses are official witnesses. Hence, this Court is inclined to grant anticipatory bail to the petitioner with condition.

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 District Munsif Cum Judicial Magistrate, Keeranur, Pudukottai 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:

[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 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/-
28/07/2021

/ TRUE COPY /

/ /2021



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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KEERANUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10015 of 2021
Date :28/07/2021

ksa
USK/JM/SAR-IV : 02/08/2021 : 3P/5C