



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12.08.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10512 of 2021

Maharajan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
In Crime No.165 of 2021.

... Respondent/Complainant

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

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate(Crl. side)

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

PRAYER :-For Anticipatory Bail in Crime no.165 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

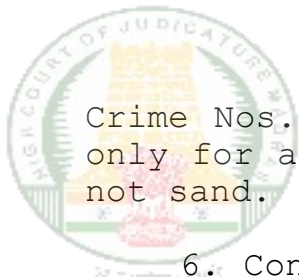
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.165 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 29.07.2021, the petitioner and other accused had illegally transported one unit of Karambaiman by using JCB. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. In fact, the petitioner has taken Karambaiman for the purpose of agriculture. In order to show his *bona fide*, the petitioner is ready to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Chief Minister's Relief Fund.

4. The learned Government Advocate (Criminal Side), strongly opposed this petition on the ground that the petitioner is having two previous cases of similar nature and he is also having three other cases under IPC offence.

5. The learned counsel for the petitioner intervened and submitted that even in the two previous cases of similar nature in



Crime Nos.10 of 2020 and 99 of 2021, the petitioner has taken soil only for agricultural purpose and that the nature of the mineral is not sand.

6. Considering the nature of offence, the fact that the mineral that is transported is Karambaiman and the willingness of the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Chief Minister's Relief Fund and the antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed 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 learned Judicial Magistrate No.III, Tirunelveli.

7. On production of such receipt / acknowledgement, 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 No.III, Tirunelveli 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 Aadhaar 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/-
12/08/2021

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

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.10512 of 2021
Date :12/08/2021

MBI
MK/PN/SAR.II/29.09.2021/3P/6C