



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

Date : 09/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10881 of 2021

WEB COPY

S.Palaniselvam,

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.
Crime No. 511 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Manickam R,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.511 of 2021 on the file of
the Respondent Police.

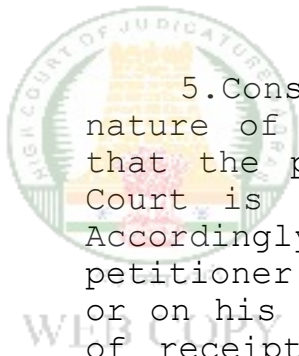
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
379 IPC r/w Section 21(4) of the Mines and Minerals (Development and
Regulation) Act, 1957, in Crime No.511 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner has
illegally transported kanmoi soil by using tractor bearing
Registration No.TN-60-V-9124. Hence, the present case has been
registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police submitted that the petitioner has illegally
transported one unit of kanmoi soil and on the complaint of the
Government Official, the case was registered. He further submitted
that the petitioner has no previous case pending against him.



5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that the petitioner has not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed and 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, Bodinayakanur, Theni 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 learned 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/-
09/08/2021

/ TRUE COPY /

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

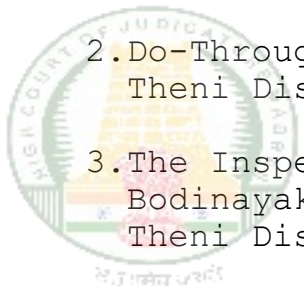
msa

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

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

1. The Judicial Magistrate
Bodinayakanur, Theni District



2.Do-Through The Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.10881 of 2021

Date :09/08/2021

CN/VR/S3(24.08.2021) 3P 5C