



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

Date : 11/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11197 of 2021

Ochu, ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
Cr.No 56 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Boomee Rajan PR,
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.56 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 and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.56 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner had illegally transported half unit of odai sand by using his tractor bearing Registration No.TN 58 AZ 5224. Hence, the complaint.

3. This is a second anticipatory bail petition. The earlier anticipatory bail Petition filed in Crl.OP(MD)No.9163 of 2021 was dismissed by this Court on 12.07.2021.

<https://hcds.csisecordv.in/hcdsweb/>



4. The learned counsel for the petitioner submits that the petitioner has taken sand from nearby lake for agricultural purpose.

5. The learned Government Advocate (Criminal Side), on instructions, would submit that the petitioner had illegally transported odai sand without permit. He would further submit that no other case of similar nature is pending against the petitioner.

6. Considering the fact that the petitioner has no previous case of similar nature and the mineral that is transported is odai sand, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

7. 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 Judicial Magistrate, Thirumangalam, Madurai District 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.

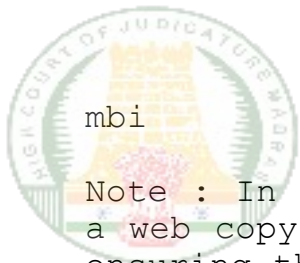
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
11/08/2021

/ 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,
Thirumangalam.
 2. Do Through
The Chief Judicial Magistrate,
Madurai.
 3. The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.PR.BOOMEERAJAN, Advocate (SR-5368[I] dated 12/08/2021)

ORDER

IN

CRL OP(MD) No.11197 of 2021

Date : 11/08/2021

TR/JC/SAR-IV (23.08.2021) 3P 6C