



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

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP (MD) No.11535 of 2021

A.RATHINA PAL @ RATHINA BALAN ... PETITIONERS/ACCUSED NO.2

VS

THE STATE OF TAMIL NADU
REP. BY ITS INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.209 OF 2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.G.RADHAKRISHNAN,
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.209 of 2021 on the file of the respondent police.

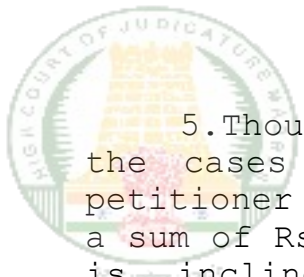
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Sections 4(1)(1A), 4(2), 21(1) and 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.209 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported three units of saralai soil by using Tipper Lorry bearing Registration No.TN-02-AB-4538 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. However, to show his bona fide, he is prepared to pay a sum of Rs.25,000/- to the Chief Minister's Relief Fund.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner has illegally transported three units of saralai soil and on the complaint of the Police officials, the case was registered. He further submitted that seven previous cases are pending against the petitioner, in which, one case is of the similar in nature.



5. Though the petitioner is having bad antecedents and one of the cases is similar in nature, considering the fact that the petitioner in order to show his bona fide, has come forward to pay a sum of Rs.25,000/- to the Chief Minister's Relief Fund, 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.25,000/- (Rupees Twenty Five 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.I, Tirunelveli.

6. 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 learned Judicial Magistrate No.I, Tirunelveli, 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/-
16/08/2021

/ 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.

WEB COPY
TO

1. THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.
2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
3. THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO
THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT,
CHENNAI - 9

ORDER
IN
CRL OP (MD) No.11535 of 2021
Date : 16/08/2021

GC/PN/SAR-IV/23/08/2021/3P/6C