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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.12374 of 2021

Thirumurugan ... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
Cr.No.121 of 2020. ... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,

For Respondent : Mr.S.Ravi,
Govt.Advocate(Crl.Side)

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

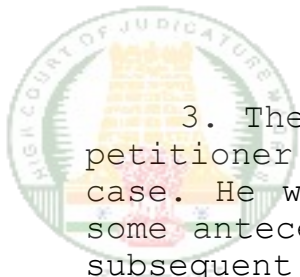
PRAYER :-

For Anticipatory Bail in Crime No.121 of 2020 on the file of the Respondent Police.

ORDER :The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is the owner of the Lorry bearing registration No.TN-67-AE-0507 and he and another illegally transported two units of river sand by using lorry.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that since the petitioner was having some antecedents, the respondent police foisted this false case and subsequent to the alleged occurrence, no case has been registered against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that there are six previous cases pending against the petitioner of similar in nature.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the occurrence took place on 14.09.2020 and there is no case registered against the petitioner subsequent to the said alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam on condition that the petitioner shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) by way of Demand Draft in favour of the Dean, Government Rajaji Hospital, Madurai, for improving the facilities to tackle COVID - 19 pandemic, and execute a bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to 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 the respondent police as and when required for interrogation.

(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



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/09/2021

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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,
VILATHIKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI.

ORDER
IN
CRL OP(MD) No.12374 of 2021
Date : 07/09/2021

SJ
SS/JC/SAR-II/13.09.2021 : 3P/6C