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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13607 of 2021

Chidambaram, ... Petitioner/Accused No.3

Vs

The Inspector of Police,
Rajathani Police Station,
Theni District.

(Cr.No. 180/2021). ... Respondent/Complainant

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

For Respondent : Mr.P.Kottai Chamy,
Government Advocate

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

PRAYER :-

For Anticipatory bail in Crime No. 180/2021 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 offence punishable under Section 379 IPC, in Crime No.180 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner has illegally transported one unit of Odai sand by using a Tractor with Trailer bearing registration no.TN-60-H-3117. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him. However, to show his *bona fide*, he is prepared to pay a sum of Rs.20,000/- to the Chief Minister's Public Relief Fund.



4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner has illegally transported one unit of odai sand and hence, the case was registered. He further submitted that the petitioner is having one previous case.

5.Considering the nature of mineral involved, the antecedent of the petitioner and his willingness to pay a sum of Rs.20,000/- to the Chief Minister's Public 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.20,000/-(Rupees Twenty 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, Aundipatti.

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, Aundipatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned Judge 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/09/2021

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

ssb

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, Aundipatti.
2. Do Through The Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Rajathani Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Chief Minister's Public Relief Fund,
Finance(CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD) No.13607 of 2021
Date : 20/09/2021

TR/SKN/SAR-I(27.09.2021) 3P 6C