



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.14288 of 2021

1.Mathankumar @ Mathan ... Petitioner/Accused No.3
2.Karthick ... Petitioner/Accused No.4

Vs

The state represented by
The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.
Cr.No. 579 of 2021.. ... Respondent/Complainant

For Petitioners : Mr.AK.Azakarsamy,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

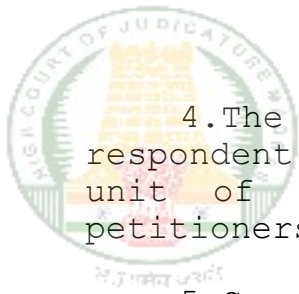
For Anticipatory Bail in Crime No.579 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4 apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC in Crime No.579 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported ¼ unit of Odai sand by using Tractor and Trailer. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. However, to show their bona fide, the petitioners have come forward to pay a sum of Rs.10,000/- each to the credit of Chief Minister's Public Relief Fund.



4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported ¼ unit of Odai sand illegally. He further submitted that the petitioners are having one previous case of similar in nature.

5.Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.10,000/- each to the credit of Chief Minister's Public Relief Fund, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Bodinayakanur.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Bodinayakanur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

28/09/2021

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/ /2021

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

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI 09.

ORDER

IN

CRL OP(MD) No.14288 of 2021

Date : 28/09/2021

SS/JM/SAR-IV/06.10.2021 : 3P/6C