



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14899 of 2021

Paramasivan

... Petitioner/3rd Accused

Vs

The State by
the Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
[Crime No.146 of 2021]

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, 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.146 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 offence punishable under Section 379 IPC (Sand), seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found loading pond soil in a tractor by JCB without any valid permit and therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and he has not indulged in any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioner and with other accused were loading pond soil in a tractor using JCB and the petitioner has not involved in any other case.

5.Considering the nature of mineral and antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Nanguneri 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police as and when required.

[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 is 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/-
05/10/2021

/ TRUE COPY /

/ /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,
Nanguneri.
- 2.Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD)No.14899 of 2021
Date : 05.10.2021

TR/JM/SAR-I(08.10.2021) 3P 5C