



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15732 of 2021

Seenivasagam

... Petitioner/Accused

(Rank not known)

Vs

The state represented by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No. 1126/2020)

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha, Advocate

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

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

PRAYER :-

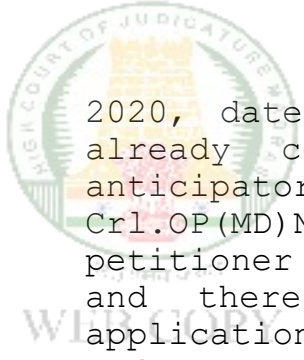
For Anticipatory Bail in Crime No.1126 of 2020 on the file of the respondent Police.

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 r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act in Crime No.1126 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of gravel by using Tractor. Hence the complaint.

3.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The name of the petitioner was not found in the First Information Report. The first accused was already granted anticipatory bail by this Court in Crl.OP(MD)No.10144 of



2020, dated 23.09.2020. He further submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 09.02.2021, made in Crl.OP(MD)No.1586 of 2021, with certain conditions. But, the petitioner could not arrange sureties due to the Covid-19 pandemic and therefore, he has moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioner has already been granted anticipatory bail by this Court, in Crl.OP(MD)No.1586 of 2021, dated 09.02.2021 and that he has not complied with the conditions stipulated therein. He further submitted that the petitioner is not having any previous case to his credit.

5.Considering the nature of mineral involved, the antecedent of the petitioner, the fact that he has already been granted anticipatory bail by this Court and his failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner shall draw a demand draft in favour of the Patient Welfare Society, Government Headquarters Hospital, Virudhunagar, for a sum of 10,000/- (Rupees Ten Thousand only) without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance / submission of Demand Draft to Patient Welfare Society, Government Headquarters Hospital, Virudhunagar, while executing sureties. On acknowledgment of the same by the Patient Welfare Society, Government Headquarters Hospital, Virudhunagar, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, 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:

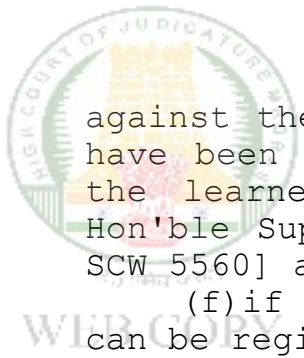
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with the evidence or witness either during the investigation or trial;

(d)the petitioner shall not abscond either during the investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned
<https://hmcourtsonline.in/ncrives/> Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner has been 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] and;

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

sd/-

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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 NO.II,
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
GOVERNMENT
HEADQUARTERS HOSPITAL, VIRUDHUNAGAR.

ORDER

IN

CRL OP(MD) No.15732 of 2021

Date :20/10/2021

gk

SS/PN/SAR-III/26.10.2021 : 3P/6C