



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08.10.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15617 of 2021

Maharajan ... Petitioner/Accused No.2
Vs

The State represented by
the Inspector of Police,
Thatchanallur Police Station,
Thirunelveli City.
[Crime No.105 of 2021] ... Respondent/Complainant

For Petitioner : Mr.V.Angusamy, 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.105 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 theft), seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has
transported three units of gravel without permission 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. Moreover, this Court has already granted anticipatory
bail to the petitioner in Crl.O.P(MD)No.4501 of 2021 on 24.03.2021
by imposing certain conditions, however, due to covid-19 pandemic,
the petitioner could not comply with the conditions fully in time.
Further, the petition for extension of time filed by the petitioner
in Crl.M.P(MD)No.6077 of 2021 was dismissed by this Court on
19.08.2021. Hence this second anticipatory bail petition is filed.



4.The learned Government Advocate (Crl Side) appearing for the respondent Police submitted that the petitioner has transported three units of gravel and this Court has earlier granted anticipatory bail to the petitioners on certain conditions. However, the petitioner did not comply with the same in time. The petitioner has not involved in any other offence.

5.Considering the nature of mineral and antecedent of the petitioner, the grant of anticipatory bail by this Court in Crl.OP (MD)No.4501 of 2021, 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 No.IV, Tirunelveli 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/-

08/10/2021

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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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
THATCHANALLUR POLICE STATION,
TIRUNELVELI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15617 of 2021
Date :08/10/2021

dsk
SS/VR/SAR-III/20.10.2021 : 3P/5C