



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16520 of 2021

Sagayar @ Rajeswaran

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thevaram Police Station,
Theni District.
Cr.No.417 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel.

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.417 of 2021 on the file of the Respondent Police

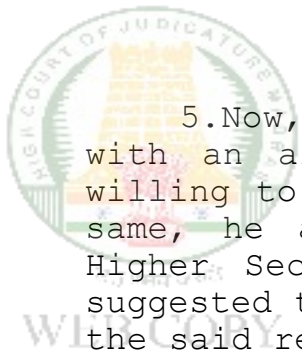
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC and Section 21(1) of Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.417 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner illegally transported one unit of Odai sand. Hence, the complaint.

4.This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 13.09.2021, on the ground that three previous cases are pending against him.



5.Now, the learned counsel for the petitioner has come forward with an affidavit that this petitioner to show his bonafide is willing to do some charity work to the village and pursuant to the same, he approached the Parents Teachers Association, Government Higher Secondary School, Thevaram, Theni District and they also suggested to put up fencing, to the tune of Rs.30,000/-. Along with the said request, the petitioner has also filed an affidavit that he would execute the work to show his bonafide.

6.Considering the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Judicial Magistrate Court, Bodinaickkanur,Theni District, on condition that the petitioner 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 Judge 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 Magistrate 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 a.m., until further orders.

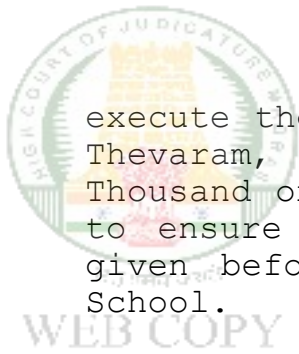
[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

8.Since it appears that the petitioner transported one unit of river sand and also it is reported that three previous cases are pending against the petitioner, the petitioner is directed to



execute the fencing work at the Government Higher Secondary School, Thevaram, Theni, to the tune of Rs.45,000/-. (Rupees Forty Five Thousand only). There shall be a direction to the respondent police to ensure that this petitioner is complying with the undertaking given before this Court, by executing the aforesaid work in the School.

sd/-
14/12/2021

/ 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,
BODINAICKKANUR, THENI DISTRICT.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THEVARAM POLICE STATION,
THENI DISTRICT.
- 4 THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
THEVARAM, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-9228[I] dated 14/12/2021)

ORDER IN
CRL OP(MD) No.16520 of 2021
Date :14/12/2021