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CRL OP(MD) . No.17192 of 2021

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

Date : 11/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17192 of 2021

Mugil

... Petitioner/Accused No.5

Vs

The State Rep.by

The Inspector of Police,

Jambunathapuram Police Station,

Trichy District.

(Crime No. 475 of 2020). ... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian.M,
Advocate.

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

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

PRAYER :-

C-8AB. For Anticipatory Bail in Crime No.475 of 2020 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 offences punishable under Sections 147, 294(b), 353, 506(ii), 307, 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1951 seeks anticipatory bail.

3.The case of the prosecution is that on 14.07.2021 at about 6.00 am, when the Village Administrative Officer and his assistant were engaged in preventing the offence relating mines and minerals, they found the tractor and lorry along with the accused persons in a suspicious manner. On seeing them, the accused attempted to run over the vehicle on the Village Administrative Officer and escaped from the scene of occurrence.



4. The petitioner already moved Crl.O.P(MD) No.11791 of 2021 seeking anticipatory bail. This Court, by order dated 26.08.2021 dismissed the said application on the ground that the investigation was not completed.

5.Learned Counsel for the petitioner submits that this is the second petition filed by the petitioner, seeking anticipatory bail and there is no specific overtact attributed against this petitioner in the First Information Report. The occurrence took place on 14.07.2020 and investigation has not been completed by the Investigating agency.

6.Considering the submission made by the learned counsel for the petitioner and since the investigating agency has not collected any other material other than the First Information Report as against the petitioner, this is 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 learned Principal District and Sessions Court (Special Court for MMDR Act Cases),Tiruchirappalli, 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 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 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 am, until futher 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.

sd/-
11/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

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.Principal District and Sessions Court (Special Court for MMDR Act Cases),Tiruchirappalli.
- 2.The Inspector of Police,
Jambunathapuram Police Station,
Trichy District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.17192 of 2021
Date :11/11/2021

RD/CN/SAR-III(17.11.2021) 3P 4C