



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/11/2021
PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.17181 of 2021

Karthick

... Petitioner/Accused no.2

Vs

The State rep.by
The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No. 271 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.SATHYA CHIDAMBARAM, Advocate.

For Respondent : Mr.R.MEENKASHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 271 of 2021 on the file of the respondent Police.

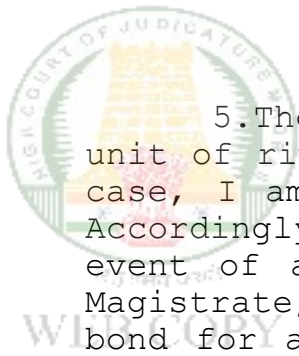
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., and Section 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act in connection with Crime No. 271 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The learned Additional Public Prosecutor brought to my notice the order dated 19.08.2021 passed in favour of the first accused wherein relief was granted after recording the petitioner's undertaking that he would pay a sum of Rs.7,500/- to the credit of Chief Minister's Public Relief Fund. The Hon'ble Supreme Court in the decisions reported in **(2021) 7 SCC 198 (Dharmesh Vs. State of Gujarat)** and **2021 SCC Online 230 (Aparna Bhat Vs. State of Madhya Pradesh)** had categorically held that imposition of condition while granting bail or anticipatory bail must bear some relation to investigation or trial. Therefore, I am not persuaded to accept the stand of the learned Additional Public Prosecutor that the petitioner may be directed to pay a sum of Rs.7,500/- to the credit of Chief Minister's Public Relief Fund.

4.The learned counsel for the petitioner as well as the learned Additional Public Prosecutor would State that the petitioner is not having any bad antecedents.



5. Though the case on hand involves the alleged theft of half unit of river sand, since the petitioner is not having any previous case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Aranthangi, Pudukottai District, and on his executing 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 condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
08/11/2021

/ 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
ARANTHANGI, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NAGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

**ORDER
IN**

CRL OP(MD) No.17181 of 2021
Date : 08/11/2021