

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Tuesday, this the 7th day of July -2020.

CrI.M.P.No.3241/2020

Thavamani,S/o.Pitchaiambalam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Samayanallur,P.S. Cr.No.566/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Muniyandi, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Anticipatory Bail application u/s. 438 of Cr.p.c.
2. The offences alleged are U/s. 379 of IPC and 21(5) of MMDR Act.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that the respondent police has registered a case against accused in Cr.No.566/2020 U/Sec. 379 of IPC and 21(5) of MMDR Act. The date of occurrence was on 9.5.2020. The petitioner along with other accused are said to have transported 2-1/4 units of river sand in 8 lorries. The lorries were seized by the police. Already co-accused were granted bail/ anticipatory bail by this Court in Cr.M.P.Nos.3021/2020, 3048/2020, 3088/2020 and 3214/2020 dated: 22.6.2020, 24.6.2020, 25.6.2020 and 3.7.2020. The petitioner is the driver of the lorry and prays to grant anticipatory bail to the petitioner. The learned public prosecutor would submit that the petitioner has no previous case and he has not raised any serious objection in granting anticipatory bail to the petitioner. Considering the fact that the property was recovered by the police and co-accused were granted bail/ anticipatory bail, this Court is inclined to grant anticipatory bail to the Petitioner on condition.

5. In the result, in the event of arrest or on his surrender before the Court concerned, the Petitioner is ordered to be enlarged on anticipatory bail on his

executing own bond for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioner shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560***. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 7th day of July -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Samayanallur, P.S.
3. The Petitioner through his counsel.