

**In the Court of the Principal District Judge, Madurai.**

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

**Principal District Judge, Madurai.**

**Friday, this the 14<sup>th</sup> day of August -2020.**

**CrI.M.P.No.3590/2020**

Selvam @ Mumbai Selvam,S/o.Malaisamy

... Petitioner/Accused.

**Vs**

State through the Inspector of Police,

Melavalavu,P.S. Cr.No.447/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.S.Soundararaja, 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 petition under section 438 of Cr.P.C.

2. The offences alleged are under section 379, 411 of IPC r/w 25(v) of MMDR Act

3. Heard both sides.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.447/2020 of Melavalvu P.S. U/Sec. 379, 411 of IPC r/w 25(v) of MMDR Act. There are 2 cases registered against the petitioner in Cr.Nos.445/2020 & 447/2020. Already the petitioner was granted bail in Cr.No.445/2020. The learned counsel for the petitioner has submitted that the date of occurrence was 20.6.2020 and the petitioner is the owner of the tractor, the properties were recovered. The petitioner apprehends arrest at the hands of police and moved anticipatory bail. The learned public prosecutor would submit that the date of occurrence was 20.6.2020, the accused is the owner of the tractor, he is said to have transported 30 units of sand in Selvam Thoppu in 15 lorries and he has

raised strong objection. In reply, the learned counsel for the petitioner would submit that the accused was only in possession of 6 units of sand for the purpose of constructing the motor room and the accused is not in possession of 30 units of sand as alleged by the prosecution. The date of occurrence was on 20.6.2020. So far, the respondent police has not taken any steps to arrest the petitioner. Therefore, considering the fact that the property has been recovered, 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 each for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner 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 14<sup>th</sup> day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

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