



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2020

PRESENT

The Hon'ble Dr. Justice G. JAYACHANDRAN

CRL OP (MD) . No. 4128 of 2020

1. Ramarajan

2. Murugesan

. . . Petitioners/ Accused 1&2

Vs

State:

rep. by Inspector of Police,
Thogamalai Police Station,
Karur District.

(Crime No. 25/2020)

... Respondent/Complainant

For Petitioners: Mr. K. Balasubramani,
Advocate.

For Respondent : Mr. S. Chandarasekar,
Additional Public Prosecutor

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

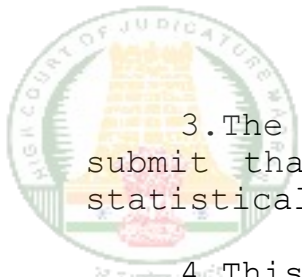
PRAYER :-

for Anticipatory bail in Crime No. 25 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 25 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein, while engaged in illegally mining of gravel sand, with help of JCB bearing Regn. No. TN-45-BP-0783, loading it in the Tipper Lorry bearing Regn. No. TN-32-M-4477, was seized by the respondent police for the alleged act of theft and illegal transport of mineral. The petitioners/drivers of the Lorry and JCB respectively, have come before this Court, seeking anticipatory bail.



3.The learned counsel appearing for the petitioners would submit that the petitioners never committed any offence and for statistical purpose, they are falsely implicated in this case.

4.This Court finds that the said averment does not augur well. A specific allegation has been made in the complaint that these petitioners were engaged in excavating sand and loading it. These vehicles owned by one Balakrishnan and these two petitioners were engaged by them as drivers. In any event, since the vehicles have already been seized along with the contraband, these petitioners are granted anticipatory bail in the event of arrest with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Kulithalai, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall deposit a sum of Rs.80,000/- (Rupees Eighty Thousand only) each to the credit of Crime No.25 of 2020, before the Judicial Magistrate No.I, Kulithalai, without prejudice to their defence before the trial Court;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;



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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. JUDICIAL MAGISTRATE NO.I
KULITHALAI
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.BALASUBRAMANI, Advocate (SR-4837 [I] dated 05/03/2020)

ORDER
IN
CRL OP (MD) No.4128 of 2020
Date :05/03/2020

SJI
SRS/ PN/ SAR-I/ 11.03.2020/ 3P/6C