



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

Date : 11/06/2020

PRESENT

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

CRL OP(MD) . No.5961 of 2020

WEB COPY

1. Pandiarajan
2. Pethanan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Kariyapatti Police Station, Virudhunagar District.
(In Crime.No. 90 of 2020).

... Respondent/Complainant

For Petitioners : M/s.A.Balaji, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime.No.90 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Crl. Side) appearing for the respondent.

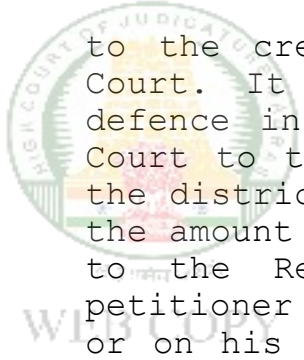
2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under section 379 of
I.P.C., r/w 21 (5) of Mines and Minerals (Development and
Regulation) Act, 1957, in Crime No. 90 of 2020 on the file of the
respondent police, seek anticipatory bail.

3.The contraband involved in this case is two units of sand.

4.The learned Government Advocate points out that apart from
the case on hand, the first petitioner is having one previous case.

5. I am therefore not inclined to grant any relief to the first
petitioner. Hence, this Criminal Original Petition stands dismissed
as regards the first petitioner. The anticipatory bail is granted
for the second petitioner alone, because the second petitioner has
come forward to deposit a sum of Rs.15,000/- (Rupees Fifteen
Thousand).

4.Taking note of the facts and circumstances of the case,
anticipatory bail is granted to the second petitioner with certain
conditions. The second petitioner undertakes to deposit a sum of
Rs.15,000/- (Rupees Fifteen Thousand Only) as non refundable deposit



to the credit of Crime No.90 of 2020, before the jurisdictional Court. It will be without prejudice to the second petitioner's defence in the trial. The said amount will be transferred by the Court to the account of any relief fund that may be maintained by the district administration. The district administration shall spend the amount for any welfare activity and also submit user certificate to the Registry of this Court. On such deposit, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Virudhunagar, 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 second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

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

sd/-
11/06/2020

/ TRUE COPY /

/ /2020
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 NO.II, VIRUDHUNAGAR,
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5961 of 2020
Date :11/06/2020