



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6991 of 2020

1. Adaikalasamy
2. Sundaram
3. Sekar @ Sebasthiyar ... Petitioners/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
Crime No.145/2020. ... Respondent/Complainant

For Petitioners: M/s.G.Mathavan,
Advocate.
For Respondent : M/s.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

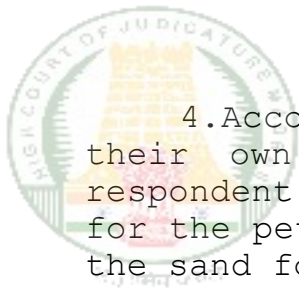
For Anticipatory Bail in Crime no.145 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2.The petitioners, who are arrayed as A1, A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C., and Section 21(1) (2) of the Tamilnadu Mines and Minerals Development and Regulation Act in Crime No.145 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners were said to have illegally transported one unit of river sand by using tractor. Hence, a complaint has been registered.



4. According to the petitioners, they have excavated sand from their own land, in front of their house. At that time, the respondent police came and registered the case. The learned counsel for the petitioners would submit that the petitioners have not taken the sand for commercial purpose.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that there is no previous case as against the petitioners.

6. Considering the facts and circumstances of the case and considering the fact that there is no previous case as against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Illupur, Pudukkottai District, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police daily as and when required.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/07/2020

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/ /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



TO

1. THE JUDICIAL MAGISTRATE, ILLUPUR,
PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ILLUPPUR POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6991 of 2020

Date :06/07/2020

MS/PN/SAR-3/08.07.2020/3P.5C