



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.7453 of 2020

1.P.Subramani,
2.M.Karthik,

... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.

Crime No.465 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Gokulraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

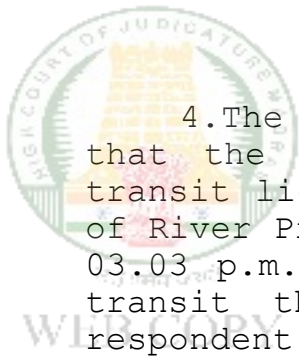
For Anticipatory Bail in Crime No. 465 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 21(1) of Mines and Minerals (Regulation and Development) Act, 1957 r/w Section 379 of IPC, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.07.2020 at about 22.45 hrs while the respondent police involving in regular checkup, it was found that the petitioners were found in illegal possession of five units of river sand. Hence, a complaint has been registered.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners have transited the river sand with proper transit license given by Minerals and Monitoring Circle, Department of River Protection, Chennai. The permit was issued on 10.07.2020 at 03.03 p.m. Even though the petitioners are having valid permit to transit the river sand from Trichy to Nilgirs District, the respondent police intercepted the vehicle and seized it.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that at the time when the respondent seized the vehicle, the petitioners were not having any valid permit.

6.Considering the facts and circumstances of the case and also a perusal of a copy of the permit enclosed by the petitioners in the typed-set of papers, it is seen that permit is valid upto 11.07.2020 till 06.03 a.m. and the vehicle was seized by the respondent police on 10.07.2020 at 10.45 p.m., I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioners shall execute 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 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 report before the respondent police as and when required for interrogation;

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

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

(e)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;



(f)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/07/2020

WEB COPY

/ 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, KARUR
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7453 of 2020
Date :21/07/2020

VSD
AE/PN/SAR-III (27.07.2020) 3P 5C