



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

Date : 23/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.7679 of 2020

WEB COPY

1. Periyasamy
2. Nagoor

... Petitioners/Accused No.1 & 2

Vs

State rep.by
Sub Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Cr.No. 303 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,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.303 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

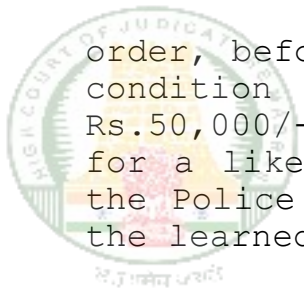
The petitioners are figuring as accused Nos.1 and 2 in Crime
No.303 of 2020, on the file of the respondent police for the
offences punishable under Sections 379 of IPC r/w 21(1) of Mines and
Minerals (Development and Regulation) Act 1957.

2.The case of the prosecution is that the petitioners have
illegally transported ½ unit of river sand.

3.The learned counsel appearing for the petitioners submitted
that the first petitioner is the driver and the second petitioner is
the owner of the vehicle and they have not committed any offence as
alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the
State would submit that the total quantity of sand involved is ½
unit and the same was recovered by the respondent police.

5.Considering the facts and circumstances of the case, I am
inclined to grant anticipatory bail to the petitioners with certain
conditions. Accordingly, the petitioners are ordered to be released
on bail in the event of arrest or on their appearance, within a
period of four weeks from the date of receipt of a copy of this



order, before the learned Judicial Magistrate Court, Rajapalayam, on condition that the petitioner 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 daily 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2020

/ 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 Court, Rajapalayam.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar at Srivilliputtur.
3. The Sub Inspector of Police, Seithur Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP (MD) No.7679 of 2020
Date : 23/07/2020