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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10046 of 2020

1.Paulsamy
2.Pandi

... Petitioners/Accused No.1 & 2

Vs

State rep.by its.,
The Sub Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
In Crime No.341 of 2020.

... Respondent/Complainant

For Petitioners : M/s.D.Anbarasu,
Advocate.

For Respondent : Mr.R.Saravanakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.341 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/1st accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w 21 of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.341 of 2020, on the file of the respondent police, seek anticipatory bail.

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

3.The learned counsel appearing for the petitioners submitted that the first petitioner is the owner and the second petitioner is the driver 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 one unit and the same was recovered by the respondent police. He would further submit that no previous case is pending against the first petitioner and the second petitioner is having four previous cases, which are not similar in nature.

5.Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 No.I, Ramanathapuram, 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 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) jointly to the credit of Valluvar Gurukulam Home for Girls, 54, GST Road, Tambaram, Chennai-45 [Account No.395702010008963, IFSC No: UBINO539571] [Cell No: 9788668808, 044-24661368, 044-22261526], within a period of two weeks without prejudice to their rights and contentions before the trial Court;

(c)the petitioners shall report before the respondent police as and when required for interrogation.

(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



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

sd/-
21/09/2020

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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.1, RAMANATHAPURAM
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE OFFICER INCHARGE,
VALLUVAR GURUKULAM HOME FOR GIRLS,
54, GST ROAD, TAMBARAM, CHENNAI-45

+1. CC to M/S.D.ANBARASU Advocate SR.No.6551

ORDER
IN
CRL OP(MD) No.10046 of 2020
Date :21/09/2020

SJI
PK/AKM/SAR-2/24.09.2020 : 3P/7C