



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.12192 of 2020

1.Sakthivel

2.Rasuthevar

... Petitioners/Accused
Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
Crime No.1434 of 2020

... Respondent/Complainant

For Petitioners : Mr.R.Sundar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1434 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 379
of IPC r/w Section 21(4) of the Mines and Minerals Act in crime
No.1434 of 2020 on the file of the respondent police, seek
anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the petitioner and other
accused illegally transported half unit of sand, which was dug from
well without any valid permission. Hence, a complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners only transported well-sand, which was dug from well for the agricultural purpose and they have not transported illegally. Hence, he prays for anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.Side) would submit that there is no previous case as against the petitioners.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners transported only well-sand, which was dug from well and that there is no previous case as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners 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 fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thirumangalam, Madurai District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 at 10.30 a.m., for a period of three weeks and thereafter 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**



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

sd/-
02/11/2020

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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,
THIRUMANGALAM, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12192 of 2020
Date : 02/11/2020

GNS
TK/VR/SAR.4/04.11.2020/3P/5C