

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.OP.No.9275 of 2021

1. Murugan
2. Manikandan
3. Kannan
4. Nathiya

... Petitioners/ Accused 1 to 4

Vs.

State rep.by
The Inspector of Police
Keelapalur, Police Station,
Ariyalur District.

.... Respondent Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.176 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Tamilavel

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 21(1) of Mines and Minerals development and Regulation Act, 1957 of IPC in Crime No.176 of 2021, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have illegally transported 3 units of sand in two Tipper Lorries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners had transported illegally 3 units of sand in two Tipper Lorries. He further submitted that there

is a pending case pending against these petitioners.

5. This Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to the credit of the District Legal Services Authority, Ariyalur District, without prejudice to their rights and contentions before the trial Court. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to the credit of the District Legal Services Authority, Ariyalur district, within a period of four weeks from the date of normal functioning of the Court below and on such deposit, the petitioner are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court no.II, Ariyalur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 deposit a sum of Rs.10,000/- (Rupees Ten thousand only) each to the credit of the District Legal Service Authority, Ariyalur District and shall produce the said receipt before the Court below.

[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 5560]**.

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

-sd/-
26/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KEELAPALUR POLICE STATION,
ARIYALUR DISTRICT.

5 THE DISTRICT LEGAL SERVICES AUTHORITY,
ARIYALUR DISTRICT.

6 THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

CC to M/S.P.TAMILAVEL Advocate on payment of necessary charges

CRL OP.9275/2021

Date :26/05/2021

TA-08/07/2021