



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

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

Crl.O.P.No.21485 of 2021

1.Rajendran
2.Sivarajan

... Petitioners

Vs.

State of Tamil Nadu
Rep. By The Inspector of Police,
Vettaikaraniruppu Police Station,
Nagapattinam.
Crime No.508 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest in Crime No.508 of 2021 on the file of the respondent.

For Petitioners : Mr.S.Parthasarathy

For Respondent : Mr.N.S.Suganthan

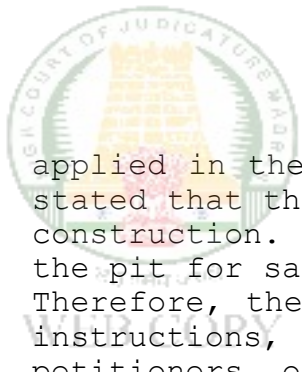
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.508 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution is that the petitioners A1 and A3 along with A2 is alleged to have un-authorisedly dug the mud near the house of the 1st petitioner using Hitachi machine.

3. The learned counsel appearing for the petitioners would submit that the 1st petitioner is a physically challenged person and he was constructing a house under the Prime Minister Yojana Scheme and he had



applied in the Panjayat Office for permission but the Panjayat office stated that there is no necessity for digging mud nearby the house for construction. He would further state that the petitioners did not dig the pit for sand and the petitioner were doing only construction work. Therefore, there is no unauthorised digging of mud sand. However, on instructions, the learned counsel further submitted that the petitioners, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the credit of the Registered Advocate Clerk Association, Vedaranyam that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioners has illegally dug the mud using Hitachi machine. He further submitted that there is no previous case pending against these petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is 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 before the learned Judicial Magistrate Vedaranyam, 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 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Vedaranyam, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioners are directed to report before the respondent police once in a week at 10.30 a.m., until further orders; .

[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/-
17/11/2021

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,
VEDARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VETTAIKARANIRUPPU POLICE STATION,
NAGAPATTINAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, VEDARANYAM.

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

CRL OP.21485/2021

Date :17/11/2021

JPA 22/11/2021