



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P.No.25490 of 2021

1.Munusamy
2.Shankar
3.Veeramani

... Petitioners

Vs.

The State by,
Inspector of Police,
Indur Police Station,
Dharmapuri District.
Crime No.348 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, 1973, praying to grant bail to the petitioners in the event of their arrest in Crime No.348 of 2021 on the file respondent police.

For Petitioners : Mr.Bharathiraja

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w Section 21(1), 21(2), 21(4), 21 (6) of Mines and Minerals (Development & Regulation Act), 1957 in Crime No.348 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported 4 units of Gravel in a Tipper Lorry.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor submits that the petitioners had illegally transported 4 units of Gravel and hence, the case was registered. She further submits that there is no previous case pending against the petitioners.



5. Considering the nature of the offence levelled against the petitioners and also the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District and Sessions Judge, Dharmapuri, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during the 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 petitioner 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]**.

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

-sd/-
29/12/2021

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.



1 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
INDUR POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S.J.BHARATHIRAJA Advocate on payment of necessary
charges SR.NO.15689

CRL OP.25490/2021

Date :29/12/2021

TA-04/01/2022