



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.739 of 2021

1. Kottaisamy @ KK Samy
2. Kesavan

... Petitioners/Accused Nos.1 and 2

Vs

The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
Crime No. 133/2020

... Respondent/Complainant

For Petitioners : Mr.R.Rajesh,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

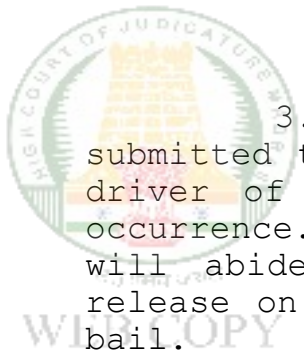
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory bail in Crime No. 133/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 I.P.C. And 21(4) of Mines and Minerals (Development & Regulation) Act 1957 dated 27.12.2020, in Crime No.133 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.12.2020, when the petitioners were loading two units of red sand illegally in their Tractor, with the help of JCB, the Defacto Complainant came to the spot and seized the vehicle and registered a case in Crime No.133 of 2020, for the offences under Sections 379 IPC and 21(4) of Mines and Minerals Regulation Act 1957.



3.The learned counsel appearing for the petitioners submitted that A1 is the owner cum driver of Tractor and A2 is the driver of the JCB and they are not involved in the above said occurrence. He would further submit that the petitioners and they will abide by any conditions imposed by this Court, for their release on Anticipatory bail and prayed for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that based on the defacto complainant's complaint, a case in Crime No.133 of 2020 has been registered against the petitioners, for the offences under Sections 379 IPC and 21(4) of Mines and Minerals Regulation Act 1957.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

6.Considering the facts and circumstances of the case and also considering the submission made by the petitioners that the first petitioner is the owner cum driver of Tractor and the second petitioner is the driver of the JCB, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the first petitioner, who is said to be an owner of Tractor shall draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.30,000/- (Rupees Thiry Thousand only)** without prejudice to his rights and contentions before the trial Court. The first petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, both the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai, 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 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 two weeks and thereafter, as and when required for interrogation.

