



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 27/01/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.864 of 2021

1.John Benjamine  
2.Muthukumar Subramanian

... Petitioners/Accused  
No.1 and 2

Vs

The State rep.by  
The Inspector of Police,  
Panagudi Police Station,  
Tirunelveli District.  
Crime No. 540 of 2020.

... Respondent/Complainant

For Petitioners : Mr.R.Anand,  
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. 540/2020 on the file of  
the respondent Police

**ORDER :** The Court made the following order :-

The petitioners/ accused apprehending arrest at the hands of  
the respondent police for the offence punishable under sections 379  
of IPC and Section 21(4) of Mines and Minerals (Development and  
Regulation) Act, 1957 on the file of the respondent police, seek  
anticipatory bail.

2.The case of the prosecution is that the petitioners were  
found in illegal possession of two units of gundukal.

3.The learned counsel appearing for the petitioners submitted  
that the petitioners never involved in such type of offence and they  
are innocent.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that is no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.10000/- (Rupees Ten thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioners 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, 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, Valliyur, Tirunelveli 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 two 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 5560]; and;



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

WEB COPY

sd/-  
27/01/2021

/ TRUE COPY /

/ /2021

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

**COPY TO:**

THE DEAN, GOVERNMENT RAJAJI HOSPITAL,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.864 of 2021  
Date : 27/01/2021

AAV  
TK/KV/SAR.3/01.02.2021/3P/6C