



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

Date : 25/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1044 of 2021

1. Ezhumalai @ Elumalai
2. Vedhagiri
3. Murugan
4. Suresh
5. Antonyraj @ Anthoniraj
6. Kirubhakaran
7. Ruban Inbaraj @ Rooban Inbaraj
8. Saravanan

... Petitioners/
Accused Nos.3 to 8 & 10, 11

Vs

State Rep. by
The Inspector of Police,
Tiruchendur Taluk Police Station,
Thothukudi District.
Crime No.379/2020.

... Respondent/Complainant

For Petitioner : Mr.Mohamed Haneef.A,
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. 379/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under section 379 IPC and 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.379 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 04.09.2020, when the defacto complainant along with revenue officials nad police personnel were in regular check up, six lorries were found with three units of pond soil, without any permission sheet. Hence, a case is registered against the petitioner.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged in the FIR. They are the drivers working under one contractor G.Veslin. He has taken lease to transport the black sand for the period from 24.06.2020 to 21.09.2020. On the date of occurrence, the lorries have valid permit.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that for illegal transport of each three units of black soil by using six lorries, a case in Crime No.379 of 2020 has been registered against the petitioners. The petitioners 2,4,6 & 8 are owners of the vehicles and the petitioners 1,3,5 & 7 are the drivers of the vehicles.

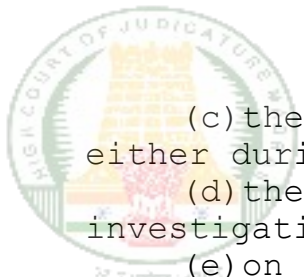
5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners 2,4,6 & 8/ owners of the vehicles and the petitioners 1,3,5 & 7/ the drivers of the vehicles shall draw demand drafts in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.45,000/- (Rupees Ten Thousand only) each and Rs.10,000/- (Rupees Ten Thousand only) each, respectively,** without prejudice to their 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 Court, Tiruchendur, 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.



(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.

sd/-

25/01/2021

/ 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, TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUCHENDUR TALUK POLICE STATION,
THOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-535[I] dated 29/01/2021)

ORDER

IN

CRL OP(MD) No.1044 of 2021

Date :25/01/2021

vrn

<https://hcmvscs.csr.gov.in/fcse0502.2021/3P/7C>