



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2034 of 2021

1. Muniyandi
2. Petchimuthu

... Petitioners/Accused No.1 & 2

Vs

State through
The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
Cr No. 143/2020.

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
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.143 of 2020 on the file of the Respondent police.

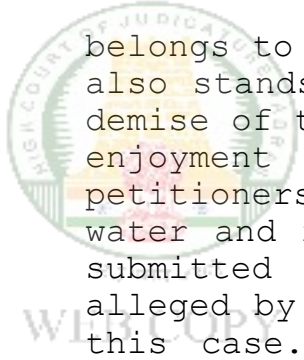
ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.143 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were said to have illegally transported Savudu sand. Hence, a complaint has been registered.

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

4.The learned counsel appearing for the petitioners submitted that the property in S.No.264-1 to the extent of 6.68.5 hector



belongs to the petitioners' father viz., Pachammal and the patta was also stands in his name and he was died 30 years prior. After the demise of the petitioners' father, the property is in possession and enjoyment of the petitioners. He further submitted that the petitioners have dug a bit sand in his patta land for saving rain water and not transported the sand to any other places. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are not having any bad antecedent. Hence, he prayed for grant of anticipatory bail to the petitioners.

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

6.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners and the petitioners have dug a bit sand in his patta land for saving rain water and not transported the sand to any other places, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

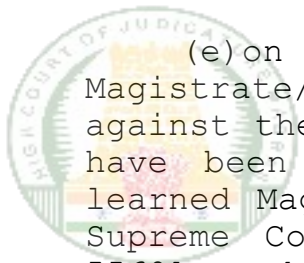
7.Accordingly, each of the petitioners shall draw a demand draft in favour of Dean, Government Medical College Hospital, Thoothukudi, for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance / submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Medical College Hospital, Thoothukudi, 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 Judicial Magistrate Court, Vilathikulam, 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 first petitioner 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. Further, the second petitioner shall report before the respondent police 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/-
16.02.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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 Court,
Vilathikulam.
2. -Do- Thro The Chief Judicial Magistrate,
Thoothukudi District.
3. The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Dean,
Government Medical College Hospital,
Thoothukudi.

ORDER
IN
CRL OP(MD) No.2034 of 2021
Date : 16/02/2021