



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). Nos.3787 and 3817 of 2021

CRL OP(MD). No.3787 of 2021:

1. V.Veeranan
2. R.Chandran

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No. 105 of 2021..

... Respondent/Complainant

For Petitioners : M/s.Pinaygash I,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.105 of 2021 on the file of
the Respondent Police.

CRL OP(MD). No.3817 of 2021

R.Raju

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Theni Police Station, Theni District.
Crime No. 180 of 2021..

... Respondent/Complainant



For Petitioner : M/s.Pinaygash I,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

WEB COPY

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

PRAYER :-

For Anticipatory Bail in Crime No.180 of 2021 on the file of the Respondent Police.

COMMON ORDER

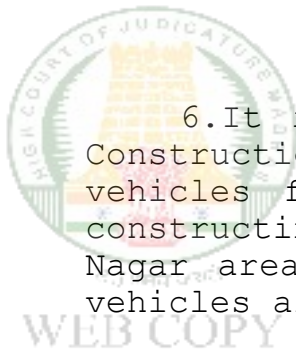
The petitioners, who are the accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while the Deputy Tahsildar was returning from Periyakulam towards his office, it was found that a Tractor bearing registration No.TN 23 AR 4696 and Trailer No.TN 60 K 6102 was carrying one unit of gravel sand, which was driven by the petitioners and other accused without prior permission. When the Deputy Tahsildar asked the petitioners about the same, they were unable to give explanation. Hence, the present complaints.

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 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 has produced a communication letter addressed to the Assistant Divisional Engineer, Highways Construction and Maintenance, Theni District, with regard to the work of laying of paver block as per CRIDP 2020-2021 Scheme and admitted that the said work is going on in that place.



6.It is seen that the Assistant Divisional Engineer, Highways Construction and Maintenance, Theni District, has permitted ten vehicles for removal of gravels sand laying paver block and for constructing drainage in the National Highways, 45 extension, Theni Nagar area, from 3/4 km to 6/6 km in, in which, the petitioners' vehicles are listed as 4, 7 and 8.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, these petitions are allowed and 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, Theni, 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;

(c)the petitioners shall report before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

sd/-
23/03/2021

/ 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,
THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION, THENI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2CC TO MR.I.PINAYGASH, ADVOCATE SR.NO.2452, 2451

ORDER
IN
CRL OP(MD) . Nos.3787 and
3817 of 2021
Date :23/03/2021

NR/VR(30.03.2021) 3P:8C