



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

Date : 26/04/2021

PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD)No.5067 of 2021

1.Mokkasami  
2.Chinnarasu

... Petitioners/Accused  
(Rank Not Known)

Vs

State Rep.by  
The Inspector of Police,  
Vilampatti Police Station,  
Dindigul District.  
Crime No.77 of 2021.

... Respondent/Complainant

For Petitioners: Mr.M.Pitchai Muthu,  
Advocate.

For Respondent : Mr.R.Erottuchamy,  
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.77 of 2021 on the file  
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences punishable under Sections  
379 IPC r/w Section 21(1) of the Mines and Minerals (Development and  
Regulation)Act in Crime No.77 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally  
transported two unit of red sand. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the  
petitioners are innocent persons and they did not commit any offence  
as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that  
there is no previous case pending against the petitioners.



5.Considering the fact that there is no previous case pending, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners shall jointly draw a demand draft in favour of Dean, Government Hospital, Dindigul for a sum of **Rs.30,000/- (Rupees Thirty 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.

7.On acknowledgment of the same by the Dean, Government Hospital, Dindigul, 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, Nilakkottai, Dindigul 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 respondent police daily at 10.30 am., until further orders.

**[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]**.

**[f]**If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/04/2021

/ 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,  
NILAKKOTTAI, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,  
VILAMPATTI POLICE STATION,  
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:  
THE DEAN,  
GOVERNMENT HOSPITAL,  
DINDIGUL.

ORDER  
IN  
CRL OP(MD) No.5067 of 2021  
Date :26/04/2021

GNS  
MS/PN/SAR-3/11.05.2021/3P.6C