



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

Date : 10/06/2021

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5452 of 2021

1. Rajesh
 2. Suresh
 3. Muthu @ Muthuraj
- ... Petitioners/Accused Nos.1to3

Vs

The State rep. by
The Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No.57 of 2021.

... Respondent/Complainant

For Petitioners: Mr.T.Palanisamy,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.57 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C. r/w. Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.57 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The learned Government Advocate(Criminal Side) pointed out that while the first petitioner is having no previous case, the second petitioner is having four previous cases that are similar in nature. The third petitioner is having two previous cases that are similar in nature.

4. Taking note of these aspects, this Court is inclined to



grant anticipatory bail to petitioners 1 and 3 on certain conditions.

5. Accordingly, petitioners 1 and 3 are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds each for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that petitioners 1 and 3 shall appear before the learned Judge, Special Court for Mines and Minerals, Madurai and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judge, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]petitioners 1 and 3 shall report before the respondent police as and when required for interrogation;

[c]petitioners 1 and 3 shall not abscond either during investigation or trial;

[d] petitioners 1 and 3 shall not tamper with evidence or witness 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 petitioners 1 and 3 in accordance with law as if the conditions have been imposed and petitioners 1 and 3 released on bail by the learned Judge/Special Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**; and

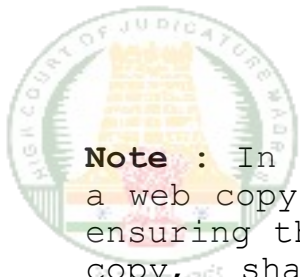
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. This criminal original petition is dismissed as against the second petitioner.

sd/-
10/06/2021

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/ /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.

WEB COPY

TO

1. THE JUDGE,
SPECIAL COURT FOR MINES AND MINERALS,
MADURAI.
2. THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5452 of 2021

Date :10/06/2021

PMU

SRS/VR/SAR-III/15.06.2021/3P/4C