



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6433 of 2021

1.Karuppasamy
2.Chandrasekaran
3.Muneeswaran

... Petitioners/Accused Nos.1 to 3

Vs.

State rep.by
The Inspector of Police,
Kayathar Police Station,
Tuticorin District.
(Crime No.225/2021)

... Respondent/Complainant

For Petitioners: Mr.Susikumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.225 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under section 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation Act) Act, 1957, in Crime No.225 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illicitly transported one unit of red sand by using a Tipper Lorry. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, he prayed for grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of red sand involved is one unit and the same was recovered by the respondent police. He would further submit that no previous case is pending against A2 and A3 and two previous cases are pending against A1.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner/A1 is having two previous cases, this Court is not inclined to grant anticipatory bail to him. Hence, this Criminal Original Petition is dismissed in respect of A1. Insofar as the petitioners/A2 and A3 are concerned, this Court is inclined to grant anticipatory bail to the petitioners/A2 and A3 with certain conditions.

6.Accordingly, the petitioners/A2 and A3 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kovilpatti, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate and on further condition that:

[a] the petitioners/A2 and A3 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/A2 and A3 are directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) each to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c] the petitioners/A2 and A3 shall report before the respondent police every Monday at 10.30 a.m. until further orders;

[d] the petitioners/A2 and A3 shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners/A2 and A3 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 the petitioners/A2 and A3 in accordance with law as if the the conditions have been imposed and the the petitioners/A2 and A3



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]**;

[g] If the petitioners/A2 and A3 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/05/2021

/ 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 NO.II, KOVILPATTI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT BRANCH, CHENNAI-9

ORDER
IN
CRL OP(MD) No.6433 of 2021
Date :05/05/2021

vsd
AE/AKM/SAR-IV/18.05.2021/2P/6C