



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.6421 of 2021

1.Senthamil @ Senthamilselvan
2.Rajaguru
3.Venkatesan @ Venkateswaran
4.Suresh
5.Pandiarajan
6.Kanagu @ Kanagaraj
7.Rajkumar
8.Anandhan @ Anandharaj
9.Kulandhaivel @ Kulandhaivelraj
10.Thangamalai
11.Sekar

... Petitioners/Accused Nos.2,3,5,8,9,
12,13,14,16,17&18

Vs

State Rep by
The Inspector of Police,
Saptur Police Station,
Madurai District.

... Respondent/Complainant

For Petitioners: Mr.T.Palanisamy,
Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.66 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 143, 188, 353, 506(1) and 379 of IPC and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.66 of 2021, seek anticipatory bail.



2. The case of the prosecution is that on 25.04.2021, based on some information, the Village Administrative Officer along with the Village Assistant and other Police officials inspected the Government Poramboke land. These petitioners and other accused have taken soil from the said Poramboke land without any permission. The Officials have seized a JCB vehicle bearing Registration No.TN 58 AT 2585. However, the petitioners and other accused have prevented the Officials from removing the seized vehicle from the place of occurrence. Hence, the complaint.

3. The learned counsel for the petitioners submits that the allegations in the First Information Report are false and the Officials have taken the vehicles from the house of the accused.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police, on instructions, would submit that except the fourth petitioner, other petitioners are not having any previous cases.

5. This Court by earlier order dated 21.05.2021, granted interim anticipatory bail to the petitioners 1 to 3 and 5 to 11, however, refused to grant interim anticipatory bail to the fourth petitioner on the ground that he is having three previous cases.

6. Considering the nature of offence and the fact that the petitioners 1 to 3 and 5 to 11 are not having bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3 and 5 to 11. Since the fourth petitioner is having previous cases of similar nature, this Court is not inclined to grant anticipatory bail to him. Hence, this petition is partly allowed.

7. Accordingly, the petitioners 1 to 3 and 5 to 11 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Judge in the Cadre of District Judge (Mines and Minerals Cases) at Madurai on condition that the petitioners 1 to 3 and 5 to 11 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 Magistrate concerned and on further conditions that:

[a]the petitioners 1 to 3 and 5 to 11 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 1 to 3 and 5 to 11 shall report before respondent police daily at 10.30 am and 05.00 pm, until further orders.

[c]the petitioners 1 to 3 and 5 to 11 shall not tamper with the evidence or witness either during investigation or trial.



[d]the petitioners 1 to 3 and 5 to 11 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 1 to 3 and 5 to 11 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 and 5 to 11 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/-
12/08/2021

/ TRUE COPY /

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

mbi

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 SPECIAL JUDGE
IN THE CADRE OF DISTRICT JUDGE
(MINES AND MINERALS CASES)
AT 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.6421 of 2021
Date :12/08/2021

PKP/VR/SAR-3/24.08.2021/3P/4C

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