



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

Thursday, the Sixth day of May Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mrs. Justice S. ANANTHI

CRL OP (MD) . No.6519 of 2021

1. Mohammed Maharroof

2. Usman Ali

... Petitioners/Accused

Vs

State Rep.by

The Inspector of Police,

Devipattinam Police Station,

Ramanathapuram District,

Crime No.147/2021

... Respondent/Complainant

For Petitioners : M/s.G.V.Vairam Santhosh,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 147 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(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under section 379 of I.P.C., and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.147 of 2021 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on 25.04.2021 at about 5.30 p.m., the petitioners along with co-accused has transported one unit of savadu sand illegally by using tractor. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.



5. The learned Government Advocate (Crl.Side) would submit that quantity of sand involved is one unit and the same was recovered by the respondent police. He further submitted that the second petitioner is having one previous case and there is no previous case pending against the first petitioner.

6. Considering the facts and circumstances of the case, the fact that the second petitioner is having one previous case and there is no previous case pending against the first petitioner, this Court is inclined to grant anticipatory bail only to the first petitioner with certain conditions.

7. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Ramanathapuram District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the first petitioner 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 cards or Bank pass Books to ensure their identity;

[b] the first petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five Thousand only) 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 his rights and contentions before the trial Court;

(c) the first petitioner shall report before the respondent police on every Monday at 10.30 a.m., until further orders;

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

(e) the first petitioner 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 first petitioner 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/first petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.



8. This Criminal Original Petition is dismissed as regards the second petitioner. This Criminal Original Petition stands allowed as far as the first petitioner is concerned.

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sd/-
06/05/2021

/ 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.I, RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,
IOB, SECRETARIAT BRANCH, CHENNAI-9
(ACCOUNT NO.11720 10000 00070, IFSC CODE: IOBA0001172)

ORDER
IN
CRL OP(MD) No.6519 of 2021
Date :06/05/2021

RMI
CSL/VR/SAR-4/18.05.2021 : 3P/6C