



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

Date : 12/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6598 of 2021

WEB COPY

1. P.Vasakan @ Vasu
2. A.Aakathiyan @ Aakathi
3. Chinnasamy

... Petitioners/Accused
Nos.3 to 5

Vs

The State
The Sub Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
Cr No. 24/2021.

... Respondent/Complainant

For Petitioners : M/s.Balasubramanian P,
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. 24 Of 2021 on thte
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 3 to 5, who apprehended arrest at
the hands of the respondent police for the alleged offences under
Sections 379 IPC and Section 21(4) of Mines and Minerals
(Development and Regulation) Act, 1957, seeks Anticipatory Bail.

2.The case of the prosecution is that the petitioners have
illegally transported gravel sand by using their vehicles without
valid permission from the authorities.

3.Heard the learned counsel for the petitioner and the
learned Government Advocate (Crl.Side) appearing for the respondent.

4.The learned counsel for the petitioners would submit that
the petitioners are never committed any offence as alleged in the
prosecution and they are falsely implicated in this case.

5.The learned Government Advocate(Crl.Side) appearing for
the respondent would submit that the petitioners had illegally
transported two units of gravel sand worth Rs.10,000/-, without
valid permission. He has serious objection in granting Anticipatory
bail to the petitioner.



6. Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, the petitioners 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 learned Judicial Magistrate, Devakottai, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Devakottai, Sivagangai District and on further conditions that:

[a] 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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten 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 petitioners shall report before the respondent police on the first working day of every English Calendar month, at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 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]**.

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

Sd/-
12/05/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

ORDER
IN
CRL OP(MD) No.6598 of 2021
Date : 12/05/2021

VB AKM SAR I(20/05/2021) 3P / 6c