



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

Date : 12/05/2021

PRESENT

The Hon`ble Mr.Justice AA.NAKKIRAN

CRL OP(MD) . No.6758 of 2021

1. Anburajan
2. Murugaiah

... Petitioners/Accused
Rank not known

Vs

The State rep.by,
The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
Cr.No. 250 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Praveenkumar,
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.250 of 2020 on the file of the Respondent Police.

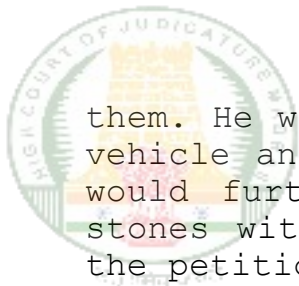
ORDER : The Court made the following order :-

The petitioners/Accused rank not known, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 I.P.C., and Section 21(1) of Mines and Minerals Development and Regulation (MMDR) Act in Crime No.250 of 2020 on the file of the respondent police, seek anticipatory bail.

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

3.The case of the prosecution is that on 06.10.2020 at about 04.10 p.m, the petitioners illegally transported each three units of jalli stones in lorries. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against



them. He would submit that the first petitioner is the owner of the vehicle and the second petitioner is the driver of the vehicle. He would further submit that the petitioners have transported jalli stones with valid permission. Hence, he seeks anticipatory bail to the petitioners.

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5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of sand involved is three units and the petitioners have transported three units of baby jalli stones without any valid permit. Therefore, he strongly opposes to grant anticipatory bail to the petitioners.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti and on their executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners are directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred 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 shall report before the respondent police on first working day of every Month at 10.30 a.m., until further orders;

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

(e)the petitioners 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 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]**; and



(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/05/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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

ORDER
IN
CRL OP(MD) No.6758 of 2021
Date :12/05/2021

MRN/VSD
PK/AKM/SAR-I/19.05.2021 : 3P/6C