



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.6845 of 2021

WEB COPY

1.Arumugam @ Arumuganayinar
2.Enamuthu

... Petitioners/Accused 2 & 3

Vs

The State Rep. By
The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

... Respondent/Complainant

For Petitioner : Mr.Balamurugan.P,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.67 of 2021 on the file of
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 Section
379 of IPC and Section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957 of IPC in Crime No.67 of 2021 seek
anticipatory bail.

2.The case of the prosecution is that the petitioners had
illegally transported 20 bags of river sand by using donkeys. Hence,
the complaint.

3.This Court by earlier order dated 20.05.2021, granted interim
anticipatory bail to the petitioners and directed them to pay a sum
of Rs.10,000/- each to the credit of Crime No.67 of 2021 before the
Judicial Magistrate, Srivaikundam.

4.The learned counsel for the petitioners has produced the
receipt showing the payment made to the credit of Crime No.67 of
2021.

5.The learned Government Advocate (Criminal Side) would submit
that the petitioners had illegally transported half unit of river
sand without valid permit, the second petitioner has one previous



case pending and opposed for grant of anticipatory bail.

6.Considering the facts and circumstances of the case, nature of allegation and also the fact that the petitioners have complied with the conditional order passed by this Court, this Court is inclined to grant anticipatory bail to the petitioners and hence this petition is allowed.

7.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 Judicial Magistrate, Srivaikundam, on condition that the petitioners 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 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders. The second petitioner shall report before respondent police daily at 10.30 am. and 05.00 pm., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/08/2021

/ 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, Srivaikundam.
 - 2.Do-through Chief Judicial Magistrate, Srivaikundam,
Thoothukudi District.
 - 3.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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RS/SKN/SAR1 (09.09.2021) 3P 5C