



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.7086 of 2021

1. P.Elangovan,

2.K.Vinoth Kumar,

... Petitioners/Accused 1&2

Vs

The Inspector of Police,
Uthamapalayam Police Station, Theni
District. Cr.No. 1786 of 2020..

... Respondent/Complainant

For Petitioners :M/s.Narendran C,
Advocate.

For Respondent :Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

C-33AB. For Anticipatory Bail in Crime No.1786 of 2020 on the file of the Respondent Police.

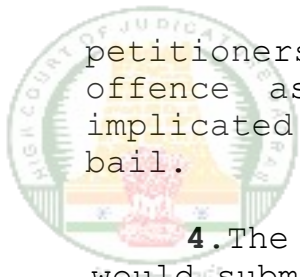
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1786 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported the river sand by using Tractor bearing Registration No.TN-57-AC-0491. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioners would submit that the



petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in the present case and hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor, on instructions, would submit that the petitioners had illegally transported one unit of river sand.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

6.Considering the facts and circumstances of the case and also the fact that the property was recovered and considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioners at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.The petitioners shall be released in the event of arrest by the respondent police or on their surrender before the learned Judicial Magistrate, Uthamapalayam, Theni District, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate 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 card or Bank pass Book 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 Government of Tamil Nadu, CMPRF in 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 as and when required for interrogation.

[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/-
26/05/2021

WEB COPY

/ 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.

MSA

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM,
THENI DISTRICT.
- 2 DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO
THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7086 of 2021
Date :26/05/2021