



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

Date : 07/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD).No.7266 of 2021

1.Vimal ... Petitioner/Accused No.1

2.Nagalingam ... Petitioner/Accused
(Rank Not Known)

Vs

State Rep. by
The Inspector of Police,
Vadipatty Police Station,
Madurai District.
Crime No.267/2021

... Respondent/Complainant

For Petitioners : Mr.Pitchai Muthu.M.,
Advocate.

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

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

PRAYER :-

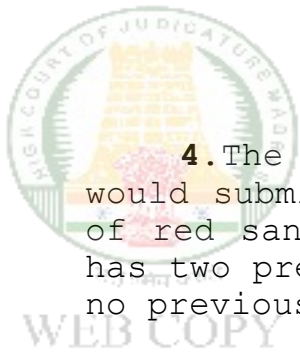
For Anticipatory Bail in crime no. 267/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21(5) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.267 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported 4 units red sand by using the vehicles, 2 Tractors and one Tipper Lorry sand. Hence, the complaint.

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 and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.



4.The learned Additional Public Prosecutor, on instructions, would submit that the petitioners had illegally transported 4 units of red sand without any valid permission and that first petitioner has two previous cases pending against him and second petitioner has no previous case.

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

6.Considering the above facts and circumstances of the case and also 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.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Magistrate, Special District Court dealing with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, Madurai, and execute fresh personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

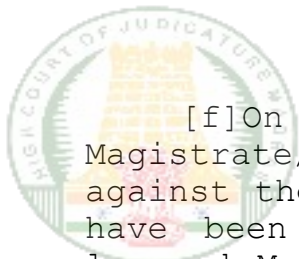
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners are directed to jointly deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c]the first petitioner shall report before the respondent police every Friday at 11.00 a.m., for a period of eight weeks and thereafter as and when required for interrogation and second petitioner 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]**; and

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

sd/-

07/06/2021

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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 MAGISTRATE,
SPECIAL DISTRICT COURT DEALING WITH
THE CASES OF OFFENCES IN CONTRAVENTION
OF THE PROVISIONS OF THE MINES
AND MINERALS (D&R) ACT, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VADIPATTY POLICE STATION,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI-625 023.

ORDER

IN

CRL OP(MD) No.7266 of 2021

Date : 07/06/2021

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JM/VR/SAR II/15.06.2021/3P/6C

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