



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

Date : 15/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7771 of 2021

1.G.Tamilselvan
2.M.Murugan

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Koodakovil Police Station,
Koodakovil, Madurai District.
Crime No.113/2021.

... Respondent/Complainant

For Petitioner : Mr.Jeganathan.C,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.113 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC r/w 21(v) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.113 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 09.06.2021, the petitioners and other accused were found to have transported three units of well sand in Tipper Lorry bearing Registration No.TN-20-BM-5677 at Koodakovil-Kokkulam High Ways. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the well sand was removed with the permission of the owner for agricultural purpose and therefore, he seeks anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed this petition on the ground that investigation in this case is not completed and that the sand from well was removed without any proper licence.

5.Taking note of the fact that the sand involved in this case was removed from a well for agricultural purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangalam, Madurai District, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on their executing 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 said Magistrate and on further condition 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/06/2021

/ 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,
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
KODAKOVIL, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7771 of 2021
Date :15/06/2021

SJI
JM/VR/SAR I/21.06.2021/3P/5C