



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7915 of 2021

1. Karaiyandi,

2. Murugesan,

3. Lakshmi

... Petitioners/Accused 1 to 3

Vs

State rep.by
The Inspector of Police,
Rajathani Police Station,
Theni District.
(Cr.No.165/2021)

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan P,
Advocate.

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

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

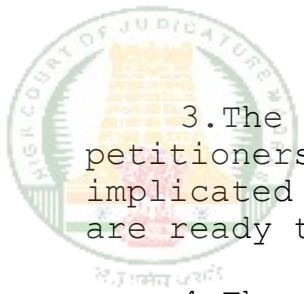
PRAYER :-

For Anticipatory Bail in Crime No.165 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 353 and 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.165 of 2021, seek anticipatory bail.

2.The case of the prosecution is that when the police party were engaged in a vehicle check up at Palakombai Nadaga Medai at about 10.30 p.m., on 13.06.2021, they found that the Tractor and Tractor bearing Registration No.TN-60-AV-6625 coming with one unit of gravel sand. On enquiry, the driver had escaped from the scene and A-3 has prevented the Government official from discharging their
the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any conditions.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that one previous case is pending against the first accused and two similar previous cases are pending against the second accused.

5.Taking note of the facts and circumstances of the case and the fact that the sand illegally said to have been transported is only gravel sand, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

6.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 learned Judicial Magistrate, Aundipatti, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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;

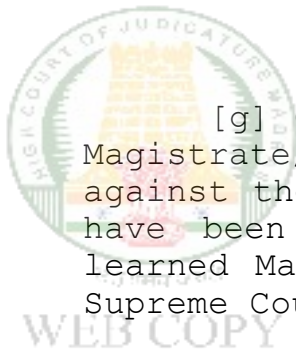
[b]the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Aundipatti;

[c] the petitioners/A1 and A2 shall report before the respondent police daily at 10.30 a.m., until further orders;

[d]the petitioner/A3 shall report before the respondent police as and when required for interrogation;

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f]the petitioners shall not abscond either during investigation or trial;



[g] 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]**;

[h] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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

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

ORDER
IN
CRL OP(MD) No.7915 of 2021
Date :17/06/2021

KM:RSK:SAR2(22.06.2021) 3P 6C

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