



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). Nos.7903 and 7911 of 2021

1.Kalaiselvi,
[wrongly mentioned as Kalaselvi] ... Petitioner/Accused No.2
in Crl.O.P.(MD)No.7903 of 2021

2.Muniyandi@chinna Muniyandi ... Petitioner/Accused No.3
in Crl.O.P.(MD)No.7911 of 2021

Vs

State rep by
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.142 of 2021). ... Respondent/Complainant
in both petitions

For Petitioner : Mr.Palanisamy. T
(in both petitions) Advocate.
For Respondent : Mr.M.Muthumanikkam,
(in both petitions) Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.142 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 4(1)(1A), 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.142 of 2021, seek anticipatory bail.

2.The allegation against the petitioners and other accused is that on 12.06.2021, they have been removing one unit of sand from well in survey No.19/2 using Tractor bearing Registration No.TN-58-AX-3675 Swaraj 744. Hence, 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 A2's name has been wrongly typed in this petition.

4.The learned Government Advocate (Crl.side) strongly opposed this petition on the ground that the petitioners did not get any prior permission or licence from the authorities and removed and transported one unit of sand from the well.

5.Taking note of the facts and circumstances of the case and the fact that the sand was removed from well in survey No.19/2 and that the removed sand was only transported, 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 Special In The Cadre of District Judge (Mines and Minerals Cases) at Madurai, 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 petitioner/A2 shall report before the respondent police as and when required for interrogation;

[c]the petitioner/A3 shall report before the respondent police, daily at 10.30 a.m., until further orders;

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

[e]the petitioners shall not abscond 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

17/06/2021

/ TRUE COPY /

/ /2021



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 SPECIAL IN THE CADRE OF DISTRICT JUDGE
(MINES AND MINERALS CASES) AT MADURAI.
2. THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) Nos.7903 and 7911 of 2021

Date : 17/06/2021

VB VR SAR IV(21/06/2021) 3P / 4c