



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

Date : 23/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8153 of 2021

1. Annapandi @ Aandi
2. Anbarasu @ Athikari ... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Elayirampennai Police Station,
Elayirampennai,
Virudhunagar District. ... Respondent/Complainant

For Petitioners: Mr.T.Pon Ramkumar,
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.95/2021 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 alleged offences punishable under Section 379 of IPC and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.95 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 18.06.2021 at about 12 noon, the petitioners said to have illegally removed $\frac{3}{4}$ unit of gravel sand by using Tractor bearing Registration No.TN-69-Z-0113 and Tractor bearing Registration No.TN-55-T-5315 near the East Sankarapandiyapuram bus stop. On seeing the police party, they escaped from the vehicle. 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. In fact the said gravel sand was removed on the instruction of the President of Sankarapandiyapuram. He submitted that no previous case is pending against the



petitioners. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation in this case is not completed. He fairly conceded that no previous case is pending against the petitioners.

5.Taking note of the facts and circumstances of the case and the fact that $\frac{3}{4}$ unit of gravel sand was removed illegally without any permission and also the fact that there is no specific mention in the First Information Report that where from the gravel sand was removed and also the fact that the material witnesses are the police officials, 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, Sattur, 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:

i)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;

ii)each of the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

iii)the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

iv)the petitioners shall not tamper with evidence or witness.

v)the petitioners shall not abscond during trial.

vi)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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
23/06/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
ELAYIRAMPANNAI,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
MADRAS HIGH COURT MADURAI BENCH
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI-625 023.

+1. CC to MR.T.PON RAMKUMAR, Advocate SR.No.4125

ORDER
IN
CRL OP(MD) No.8153 of 2021
Date :23/06/2021

SJI

MS/MNR/SAR-4/29.06.2021/3P.7C