



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8195 of 2021

WEB COPY

1. Ramakrishnan
2. Thesingh Rajaprabu

... Petitioners/Accused
Rank Not Known

Vs

State rep by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Cr.No.171/2021

... Respondent/Complainant

For Petitioners :Mr.Susi Kumar.C.,
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.171 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 511 of IPC in Crime No.171 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 18.06.2021, at about 01.00 p.m., when the police were engaged in the duty of prevention of offences under the Mines and Minerals Act, near Pazhavur, they found the accused had been removing one unit of sand from the pond, situated in S.NO.1323/213, which belongs to one Nataraj, using the vehicle hitachi. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence they seek anticipatory bail.

4.The learned Government Advocate (Criminal Side) opposed the petition on the ground that the investigation is pending. He further submitted that the sand was removed from the private property, but, the petitioners have no prior permission for removing sand.



5.Considering the facts and circumstances of the case, the fact that the sand was removed from the private property and the fact that the material witnesses are official witnesses in this case, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, 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 conditions 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 cards or Bank pass Books to ensure their identity;

[b]the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708), 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;

[c]the petitioners shall report before respondent police daily, at 10.30 am., 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/-
28/06/2021

/ 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 JUDICIAL MAGISTRATE, VALLIYOOR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT..
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
COIMBATORE ADVOCATE CLERK WELFARE ASSOCIATION,
DISTRICT COURT BRANCH, COIMBATORE.

ORDER
IN
CRL OP (MD) No.8195 of 2021
Date : 28/06/2021

VB/VR/SAR.IV/30.06.2021/3P/6C