



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

Date : 25/06/2021

PRESENT:

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8358 of 2021
(Through Video Conference)

1. Valampuri
2. Uthiraselvam ... Petitioners/Accused No.1 & 2

Vs

State rep. by
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District
Crime No.168/2021. ... Respondent/Complainant

For Petitioner : Mr.Babu Jaganath.R.,
Advocate.

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

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

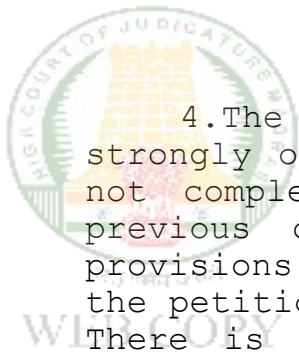
PRAYER:- For Anticipatory Bail in Crime No.168 Of 2021 on the file of the respondent Police.

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 21(1) of Mines and Minerals r/w 379 of IPC, in Crime No.168 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 21.06.2021 at about 16:30 hrs the police found a Tractor bearing TN 65 AL 1611 and Trailer bearing No.TN 65 AL 1611 near Thirupullani Police Station jurisdiction near Utharavai Bus Stop. The Tractor was driver by Uthiraselvam. On seeing the police, he escaped from the spot. The police officials found 3/4 unit of Savudu sand in the Tractor.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.



4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is not completed. He further stated that the petitioners have one previous case each and those cases were registered under the provisions of Indian Penal Code. The F.I.R. allegation reveals that the petitioners were illegally transporting 3/4 unit of Savudu sand. There is no specific mention in the F.I.R. with regard to the details of the place from where the savudu sand was removed.

5.Taking note of the fact that the sand involved is savudu sand and there is no previous similar case pending against the petitioners, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.1, Ramanathapuram District 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 are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[b] 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;

[c]the petitioners 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/-

25/06/2021

/ TRUE COPY /

WEB 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 COURT NO.I,
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMANATHAPURAM 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.8358 of 2021

Date :25/06/2021

sts

JM/VR/SAR II/30.06.2021/3P/6C