



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8672 of 2021

1. Captan
2. Ramkumar

... Petitioners/Accused No.1 & 2

Vs

State rep by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
In Crime.No. 302 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Maran.M.,
Advocate.

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

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

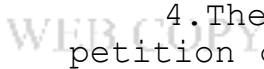
PRAYER :-

Anticipatory Bail in Crime.No. 302 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and Section 21(1),21(4) of Mines and Minerals Act (Development and Regulation) Act in Crime No.302 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 12.06.2021 and about 08.25 a.m., when the defacto complainant was engaged in vehicle check up a tipper lorry bearing Reg.No. TN 60 AW 1522 had come there. The respondent police stopped the vehicle and on search they found 3.5 units of gravel sand without any valid permission. Hence, the complaint.



5. Considering the facts and circumstances of the case and the fact that material witnesses are official witnesses and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

[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;

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

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

<https://hcservices.ecourts.gov.in/hcservices/Magistrate/Jrrial>



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.

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Sd/-
02/07/2021

/ TRUE COPY /

/ /2021

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

AAV

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, THENI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALANICHETTIPATTI POLICE STATION,
THENI 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.8672 of 2021
Date : 02/07/2021