



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.8696 of 2021

1.Arumugam
2.Boominathan

... Petitioners/Accused
No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No.226 of 2021

... Respondent/Complainant

For Petitioners :Mr.S.Jeya Kumar,
Advocate.

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

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

PRAYER :-

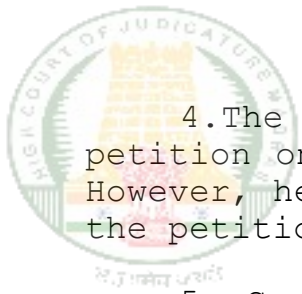
For Anticipatory Bail in Crime No.226 of 2021 on the file of the Respondent Police.

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) of Mines and Minerals Act (Development and Regulation) Act in Crime No.226 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 25.06.2021 at about 03.00 a.m., they found the accused removing sand from the Government Poramboke land using a tractor bearing name Sonalika. On seeing the police the accused had escaped from there, therefore the 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



4.The learned Government Advocate(Crl.Side) opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that no previous case is pending against the petitioners.

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.

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, Kadaladi 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 petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)each** to the Advocate Clerk Association, Madurai District Court, KK Nagar, Madurai South, Madurai (Indian Overseas Bank Saving Account No.186701000001902, IFSC Code: IOBA0001867), 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 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/-
02/07/2021

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/ /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, KADALADI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK ASSOCIATION,
MADURAI DISTRICT COURT, KK NAGER,
MADURAI SOUTH, MADURAI.

ORDER
IN
CRL OP(MD) No.8696 of 2021
Date :02/07/2021

AAV
TK/MNR/SAR.2/06.07.2021/3P/6C