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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD)No.9611 of 2021

1.Mahendran
2.Kalimuthu

... Petitioners/Accused 4&5

Vs

The State Rep. by,
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
(Crime No.112 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.P.Naveenkumar,
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.112 of 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 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.112 of 2021, seek anticipatory bail.

2.The brief facts of the case is that on 08.07.2021, at about 05.30 pm., the defacto complainant found that the petitioners illegally taken river sand in a tractor bearing registration No.TN 65 AF 5220, without any valid permission.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are coolie workers.



4.The learned Government Advocate(Crl.side) appearing for the respondent police objected to grant anticipatory bail by stating that the second petitioner has one similar previous cases. However, he conceded that the first petitioner has no previous case.

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5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioners shall not indulge in similar offence in future. If the petitioners are repeated the same offence, the anticipatory bail granted now, will be cancelled automatically.

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, Thiruvadanai, 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 shall make a non-refundable deposit for a sum of Rs.5,000/- **(Rupees Five Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Thiruvadanai.

[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.

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sd/-
22/07/2021

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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,
THIRUVADANAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT BRANCH,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.9611 of 2021
Date :22/07/2021