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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9878 of 2021

1. Sivakumar
2. Mohanraj

... Petitioner/3&4 Accused

Vs

The State Rep. by,
The Sub Inspector of Police,
Thennilai Police Station,
Karur District.
(Crime No.251 of 2021).

... Respondent/Complainant

For Petitioners : M/s. Madhu.J,
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. 251 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3 and A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(1) of Mines and Minerals (Development and Regulation) Act 1957 and 379 of IPC, in Crime No.251 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 07.07.2021, the accused in this case said to have loaded gravel sand by using JCB vehicle illegally without proper permission. Therefore, this case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are the owners of the vehicles and they are innocents 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 in this case is not completed.

5.Taking note of the fact that the material witnesses are official witnesses, 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 District Munsif-cum-Judicial Magistrate, Aravakurchi, Karur 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:

i)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;

ii)each of the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non-refundable deposit to the credit of **Coimbatore Advocate Clerk Welfare Association, District Court Branch, Coimbatore (SB Account No.170801000018467, IFSC Code: IOBA0001708)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

iii)the petitioners shall report before the respondent police as and when required for interrogation.

iv)the petitioners shall not tamper with evidence or witness.

v)the petitioners shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
23/07/2021

/ TRUE 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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
ARAVAKURCHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THENNILAI POLICE STATION,
KARUR 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.9878 of 2021
Date :23/07/2021