



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

Date : 05.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10720 of 2021

1.Muniyandi @ Muthu Muniyandi
2.Muthuramalingam

... Petitioners/Accused Nos.1 &2

Vs

State Rep by
The Sub Inspector of Police,
Thiruchulli Police Station,
Virudhunagar District.
In Crime No.123 of 2021

... Respondent/Complainant

For Petitioners : Mr.B.Muneeswaran, Advocate

For Respondent : Mr.T.Senthilkumar
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.123 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 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.123 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 04.07.2021, the petitioners had involved in theft of sand. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are college students and they have been unnecessarily roped-in in this case as accused, as if, they had involved in theft of sand. He would also submit that for the alleged occurrence that is said to have taken place on 04.07.2021, complaint has been given only on 07.07.2021. Further, there is no recovery from the



4. The learned Government Advocate (Criminal Side), on instructions, would submit that there is no recovery from the petitioners and that no other case of similar nature is pending against the petitioners.

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5. Considering the fact that the petitioners have no previous case of similar nature and that there is no recovery from the petitioners, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

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 Judicial Magistrate, Thiruchulli, 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 Magistrate concerned and on further conditions 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 report before respondent police as and when required, until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]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].

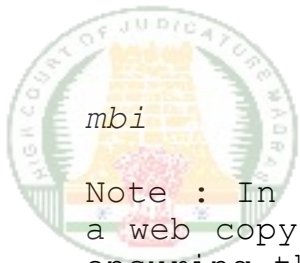
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/08/2021

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



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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,
THIRUCHULI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE SUB INSPECTOR OF POLICE
THIRUCHULLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.B.MUNEESWARAN, Advocate (SR-5142[I] dated 06/08/2021)

ORDER
IN
CRL OP (MD) No.10720 of 2021
Date :05/08/2021

PKP/JM/SAR-2/19/08/2021/3P/6C