



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10538 of 2021

1.R.Soundararajan

2.Arjunakumar ... Petitioners/Accused Rank not known

Vs

State Rep by
The Inspector of Police,
Sattur Taluk Police Station,
Sattur, Virudhunagar District.
In Crime No.155 of 2021,

... Respondent/Complainant

For Petitioners : Mr.P.Saravanakumar,
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.155 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 Sections 379, 420, 468, 471 and 474 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.155 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 27.07.2021, the petitioners had illegally transported three units of gravel sand by using vehicles bearing Registration Nos.TN 95 C 1973 and TN 18 J 9410. Hence, the complaint.



3. The learned counsel for the petitioners disputed the above fact and submits that the petitioners are having valid permit issued by the Assistant Director of Geology and Mining, Virudhunagar District dated 27.07.2021 to transport gravel sand. A copy of the permit is filed before this Court.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that there is correction in the permit and therefore, the case has been registered.

5. Considering the fact that the petitioners are having valid permit and that the mineral which has been transported is gravel sand, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.II, Sattur 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 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 NO II
SATTUR
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
SATTUR,VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10538 of 2021
Date :05/08/2021

PKP/JM/SAR-1/10.08.2021/3P/5C