



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10600 of 2021

1.Manikandan
2.Packiyaraj
3.Puli Naikkar @ P.K.Sankarasu
4.Kumar @ Sankarkumar ... Petitioners/Accused Nos.1, 3 to 5

Vs

The State represented by
The Inspector of Police,
Pudhupatti Police Station,
Virudhunagar District.
(Crime No.119 of 2021)

... Respondent/Complainant

For Petitioners : MR.SHEIK NASRUDEEN, Advocate.
for MR.SIVAKUMAR RAJAPPAN, Advocate.
For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail in Crime No.119 of 2021 on the file of the Respondent police.

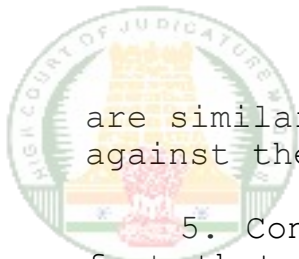
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 353 of IPC read with Section 22(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.119 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 28.07.2021, the petitioners had illegally transported eight units of gravel by using tipper lorry. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they are falsely implicated in this case.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that the petitioners had illegally transported eight units of gravel without permit. He would further submit that the first petitioner is having two previous cases, which



are similar in nature and no other case of similar nature is pending against the petitioners 2 to 4.

5. Considering the facts and circumstances of the case and the fact that the petitioners 2 to 4 have no previous case of similar nature, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4. Since the first petitioner is having two previous cases of similar nature, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner is concerned and this petition is allowed insofar as the petitioners 2 to 4 is concerned and the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.2, Sivakasi, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

[a]the petitioners 2 to 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 2 to 4 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 2 to 4 shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

6. In fine, this petition is partly allowed.

sd/-
19/08/2021

/ 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 JUDICIAL MAGISTRATE NO.2,
SIVAKASI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 - 3 THE INSPECTOR OF POLICE
PUDHUPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.SIVAKUMAR RAJAPPAN Advocate SR.No.5568.

ORDER
IN
CRL OP(MD) No.10600 of 2021
Date :19/08/2021

MBI
MK/VR/SAR.IV/07.09.2021/3P/6C