



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

Date : 12.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.10660 of 2021

1.M.PONNUSAMY

2.R.RANJITHKUMAR

... PETITIONERS/ACCUSED NO.1 & 2

VS

THE STATE BY

THE INSPECTOR OF POLICE,
ULAGAMPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

(CRIME NO.26 OF 2021), ... RESPONDENT/COMPLAINANT

FOR PETITIONERS : MR.P.RAMACHANDRAN
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.26 of 2021 on the file of the respondent Police.

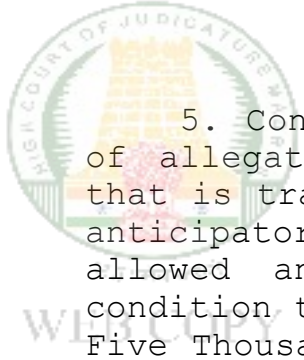
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 24(1) of Mines and Minerals (Development and Regulation) Act, 1957 and 379 of IPC, in Crime No.26 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 03.04.2021, the petitioners had illegally transported three units of gravel sand 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 three units of gravel sand. He would further submit that the first petitioner is having one previous case of similar nature and no other case of similar nature is pending against the second petitioner.



5. Considering the facts and circumstances of the case, nature of allegation levelled against these petitioners and the mineral that is transported is gravel sand, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed and the petitioners are granted anticipatory bail on condition that the petitioners shall pay 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), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Singampunari.

6. On production of such receipt/acknowledgment, 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, Singampunari, 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 daily at 10.30 a.m, 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.

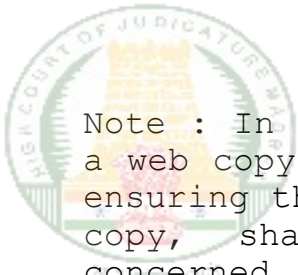
Sd/-

12/08/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
SINGAMPUNARI.
2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGA DISTRICT
3. THE INSPECTOR OF POLICE,
ULAGAMPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT,
CHENNAI - 9

+1 CC TO M/S.P.RAMACHANDRAN, ADVOCATE (SR-5387[I]
DATED 13/08/2021)

ORDER
IN
CRL OP(MD) No.10660 of 2021
Date :12/08/2021

GC/JM/SAR-I/23/08/2021/3P/6C