



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

Date : 19.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.10664 of 2021

1.A.Ayyanar
2.Davidrajan

... Petitioners/Accused

Vs

The Sub-Inspector of Police,
Vadipatti Police Station,
Madurai District.

Crime No.231 of 2021.

... Respondent/Complainant

For Petitioners : Mr.P.Ramachandran
For Respondent : Mr.T.Senthil Kumar
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.231 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

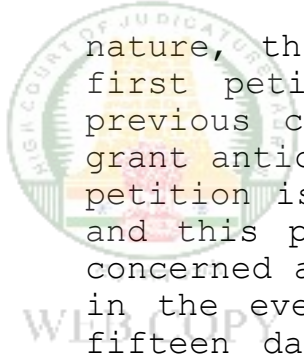
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.231 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 13.05.2021, the petitioners had illegally transported three units of soil mixed with stones 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 soil mixed with stones without permit. He would further submit that the second petitioner is having three previous cases, which are similar in nature and no other case of similar nature is pending against the first petitioner.

5. Considering the facts and circumstances of the case and the fact that the first petitioner has no previous case of similar



nature, this Court is inclined to grant anticipatory bail to the first petitioner. Since the second petitioner is having three previous cases of similar nature, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this petition is dismissed insofar as the second petitioner is concerned and this petition is allowed insofar as the first petitioner is concerned and the first petitioner is 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, Vadipatti on condition that the first petitioner 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 first petitioner 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders.

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

[d]the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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].

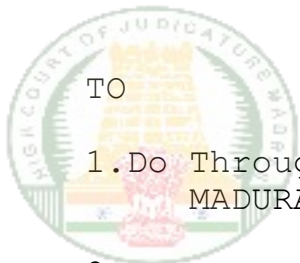
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. In fine, this petition is partly allowed.
mbi

sd/-
19/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1.Do Through THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

2.THE JUDICIAL MAGISTRATE
VADIPATTI, MADURAI DISTRICT

3.THE SUB INSPECTOR OF POLICE
VADIPATTI POLICE STATION, MADURAI DISTRICT.
CR.NO. 231 OF 2021.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1 CC to M/s.P.RAMACHANDRAN, Advocate (SR-5537[I] dated 19/08/2021)

CRL OP(MD) No.10664 of 2021

Date :19/08/2021

SB/SKN/SAR-IV/08.09.2021 3P 6C