



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

Date : 09/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.10709 of 2021

WEB COPY

1. Raja @ Rajakrishnan,

2. Kannan @ Boothmandai Kannan, ... Petitioners/Accused Nos.2 &3

Vs

State rep by

The Inspector of Police,

Thirumangalam Town Police Station,

Madurai District.

Cr.No.274 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Pandiyaraj.S,
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.274 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.274 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported half unit of kanmai soil by using tractor bearing Registration No.TN-58-AY-3031. Hence, the present case has been registered.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally transported ½ unit of kanmai soil and on the complaint of the Government Official, the case was registered. He further submitted that the petitioner has no previous case pending against him.



5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that the petitioners have not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate, Thirumangalam, 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 learned 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., 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/-
09/08/2021

/ TRUE COPY /

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

MSA

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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

- 1.The Judicial Magistrate
Thirumangalam
- 2.Do through
The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.10709 of 2021
Date : 09/08/2021

TR/JC/SAR-IV (23.08.2021) 3P 5C