



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11047 of 2021

1. R.Sathish

2. Prabhu

... Petitioners/Accused No.1 and 2

Vs

State Rep by
The Inspector of Police,
T. Ramanathapuram Police Station,
Madurai District
(Crime No. 40/2021).

... Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayraj S,
Advocate.

For Respondent : Mr.P. Kottaichamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 40 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 IPC r/w. Section 21(V) of Mines and Minerals (Development and Regulation) Act, in Crime No.40 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 01.07.2021, the petitioners had illegally transported 6 unit of Kanmai Soil by using vehicles JCB bearing Regn. No. TN 58 AS 7653 and Tipper Lorries bearing Regn.Nos.TN64 J 8487 and TN20 AT 4113. 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 6 unit of Kanmai Soil without permit. He would further submit that the A2 is having one previous case in other IPC.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this petition is allowed.

6. 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 No.II, Usilampatti, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall file an undertaking affidavit in Tamil that they will not indulge in any other offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[c]the petitioners shall report before respondent police daily twice at 10.30 am., and 5.30 p.m., until further orders.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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].



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

sd/-
19/08/2021

/ TRUE COPY /

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/ /2021

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

mbi/ trp

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
USILAMPATTI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
T. RAMANATHAPURAM POLICE STATION, MADURAI
DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CCtoM/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-5626[I] dated 24/08/2021)

ORDER
IN
CRL OP(MD) No.11047 of 2021
Date :19/08/2021

PKP/JC/SAR-1 /26.08.2021/3P/6C