



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11210 of 2021

1. S.Chithiraiselvan

2. Jaisankar

... Petitioners/3rd and 4th Accused

Vs

The State represented by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

Crime No.534 of 2021..

... Respondent/Complainant

For Petitioners : Mr.A.Sivasubramanian,
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.534 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. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.534 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused had illegally transported one unit of soil from lake by using two tractors with tipper. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have taken soil from nearby lake for agricultural purpose. Further, he would submit that the petitioners have no previous case.



4. The learned Government Advocate (Criminal Side), on instructions, would submit that the petitioners had illegally transported one unit of soil from lake. He would further submit that no other case of similar nature is pending against the petitioners.

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5. This is the second anticipatory bail application. Though the earlier anticipatory bail application filed before this Court by the petitioners in Crl.OP(MD)No.8235 of 2021 was dismissed on 24.06.2021, considering the fact that the petitioners have no previous case of similar nature and that they had taken lake soil for agricultural purpose, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

6. Accordingly, 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 District Munsif Cum Judicial Magistrate, Orathanadu, 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/-

11/08/2021

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/ /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.

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- TO
- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11210 of 2021
Date :11/08/2021

SS/JC/SAR-I/18.08.2021 : 3P/5C