



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.11287 of 2021

1. T.Ramathanulingam,

2. Boopathy Raja @ Rethnamani Raja.G ... Petitioners/Accused
(Rank not Known)

Vs

The State rep.by
The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
(Crime No. 196 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Senthil.M.P, Advocate.

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

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

PRAYER :-

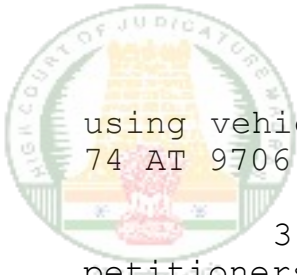
For Anticipatory Bail in Crime No. 196 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Section
379 IPC r/w. Section 21(1) of Mines and Minerals (Development and
Regulation) Act, in Crime No.196 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 21.07.2021, the
petitioners had illegally transported 1/2 unit of Theri Soil by

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



using vehicles JCB and Tempo bearing Regn. Nos. TN74 AK 6177 and TN 74 AT 9706 -407 respectively. 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 1/2 unit of Theri Soil without permit. He would further submit that the petitioners are having one previous case for the offences under the Penal Code.

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.III, Nagercoil, 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.

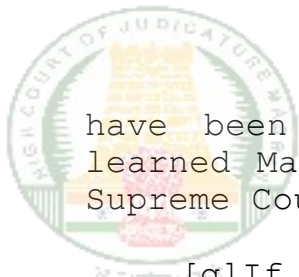
[b] the petitioners shall file an undertaking affidavit in Tamil that they will not indulge in any other offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the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

[c]the petitioners shall report before respondent police daily at 10.30 am., 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/

/ /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.III, Nagercoil.
2. The Chief Judicial Magistrate, Kanyakumari at Nagercoil.
3. The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11287 of 2021
Date : 19/08/2021

SP/JC/SAR II/26/8/2021/3P/5C