



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

Date : 12.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11312 of 2021

WEB COPY

1.Vairavan
2.Alagarsamy

... Petitioners/Accused Nos. 3 and 4

Vs

State represented by
The Sub-Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
Crime No.380 of 2021

... Respondent/Complainant

For Petitioners : Mr.Ganapathi Subramanian.P, Advocate
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.380 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 r/w 511 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.380 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 07.08.2021, the petitioners have illegally taken silt sand by using JCB bearing registration No.TN 84 L 2551. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have taken silt sand for the purpose of brick kiln.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there is no previous case pending against the petitioners herein.



5.Considering facts and circumstance of the case and the fact that the petitioners have not indulged in any other offences, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 No.II, Srivilliputhur, 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/-
12/08/2021

/ TRUE COPY /

/ /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.

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
3. THE SUB INSPECTOR OF POLICE
SRIVILIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11312 of 2021
Date :12/08/2021

GC/JM/SAR-2/19/08/2021/3P/5C