



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11540 of 2021

1. Saravanan

2. Jayaraman ... Petitioners/Accused Rank not known

Vs

The State Rep. by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.

(Crime No. 161 of 2021 ... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

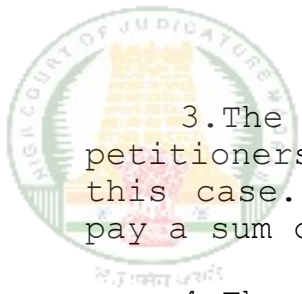
PRAYER :-

For Anticipatory Bail in Crime No.161 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(1) of the Mines and Minerals (Development and Regulation) Act in Crime No.161 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported two units of savudu soil by using Tractor. Hence, the present case has been registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. However, to show their bona fide, they are prepared to pay a sum of Rs.30,000/- to the Chief Minister's Public Relief Fund.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally transported savudu soil and on the complaint of the Village Administrative Officer, the case was registered. He further submitted that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the fact that the petitioners have not involved in any other offences and also their willingness to pay a sum of Rs.30,000/- to the Chief Minister's Relief Fund, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners together shall pay a sum of Rs.30,000/-(Rupees Thirty Thousand Only)to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Pattukottai.

6.On production of such receipt/acknowledgement,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, Pattukottai, 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/-
16/08/2021

/ TRUE COPY /

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

TO

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

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU
SECRETARIAT, CHENNAI -9.

ORDER
IN
CRL OP(MD) No.11540 of 2021
Date :16/08/2021

PKP/JC/SAR-1/27.08.2021/3P/6C