



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11836 of 2021

1.Vivek,

2.Pressana,

... Petitioners/Accused Rank not known

Vs

State rep by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Cr.No.1232/2020)

... Respondent/Complainant

For Petitioners : M/s.Jegadeesh Pandian.M,
Advocate.

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

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

For Anticipatory Bail in Crime No. 1232 of 2020 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(5) of the Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.1232 of 2020, seek anticipatory
bail.

2.The case of the prosecution is that the petitioners have made
several sand heaps on a river bed for illegal transportation.
Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent and they have been falsely implicated in
<https://hcservices.judges.org.in/hcservices/>



this case. However, the petitioners to show their *bona fide*, have come forward to pay a sum of Rs.10,000/- each to the credit of Chief Minister's Public Relief Fund.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted the petitioners have heaped the sand for illegal transportation. He further submitted that the first petitioner is having three other cases and the second petitioner is having two other cases and out of which, each petitioner is having one case of similar in nature.

5.Considering the nature of allegations levelled against the petitioners, the fact that the petitioners in order to show their *bona fide*, have come forward to pay a sum of Rs.10,000/- each to the credit of Chief Minister's Public Relief Fund and their undertaking that they would not indulge in any such activities in future, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is allowed on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Special District Judge for MMDR Act Cases, Madurai.

6.On production of such receipt/acknowledgment, 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 Special District Judge for MMDR Act Cases, Madurai.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 Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the 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 Judge/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 Judge/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/-
24/08/2021

/ TRUE COPY /

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

dsk

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 Special District Judge, MMDR Act Cases, Madurai.
- 2.The Inspector of Police,
Melavalavu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Officer Incharge,
Chief Minister's Public Relief Fund,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD)No.11836 of 2021
Date : 24.08.2021

TR/SKN/SAR-III(14.09.2021) 3P 5C