



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

Date : 19.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11814 of 2021

1.P.Selvaraj
2.P.Chinna Raja
3.M.Ramesh

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.
Crime No.190 of 2021.

... Respondent/Complainant

For Petitioners: Mr.T.S.Mohamed Mohideen,
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.190 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

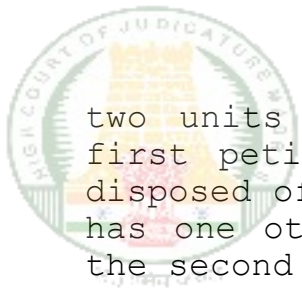
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 378 and 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.190 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported two units of pond sand. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have transported

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two units of pond sand illegally. He further submitted that the first petitioner has seven other cases, in which five cases were disposed of and other two cases are pending and the third petitioner has one other case and there is no other case pending against the second petitioner.

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5. Considering the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed as against the first petitioner.

6. Considering the fact that the third petitioner is having one other case, this Court is inclined to grant anticipatory bail to the third petitioner on condition that the third petitioner shall pay Rs.5,000/- (Rupees Five 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, Thirumayam.

7. Considering the facts and circumstances of the case and also the fact that the second petitioner has not involved in any other offences, this Court also inclined to grant anticipatory bail to the second petitioner.

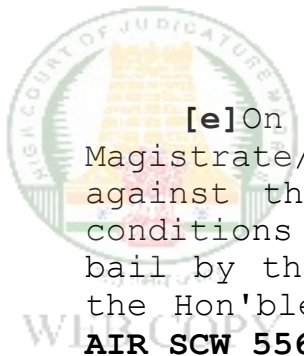
8. Accordingly, this criminal original petition is partly-allowed and the petitioners 2 & 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, on condition that the petitioners 2 & 3 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 2 & 3 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 2 & 3 shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioners 2 & 3 shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 2 & 3 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 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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/-
19/08/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION,
PUDUKOTTAI 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.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-5539[I] dated 19/08/2021)

ORDER IN
CRL OP(MD) No.11814 of 2021
Date :19/08/2021

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MS/PN/SAR-3/03.09.2021/3P.7C

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