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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12256 of 2021

1. Ganesan,
S/o.Ayyasamy
2. Kannappan
3. Ganesan,
S/o.Karumalaiyan
4. Chinnadurai

... Petitioners/Accused No.1 to 4

Vs

State rep.by
The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
(Crime No.365/2021).

... Respondent/Complainant

For Petitioners : M/s.S.Sathya Chidambaram, Advocate

For Respondent : M/s.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.365 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 Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.365 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners have illegally transported one unit of red sand, without any valid permission. Hence, the complaint.



3.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. However, a false case has been foisted as against them and therefore, prays for grant of anticipatory bail.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally transported one unit of red sand and on the complaint of the Police officials, the case was registered. He further submitted that no previous case is pending as against the petitioners.

5.Considering the facts and circumstances of the case, nature of mineral involved and the antecedent of the petitioners, 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, Manaparai, Trichy District, 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 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 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.

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Sd/-
26/08/2021

/ TRUE COPY /

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

gk

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,
MANAPARAI, TRICHY DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
THUVARANKURICHI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12256 of 2021
Date :26/08/2021