



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

Date : 17/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13725 of 2021

1. Karthik,

2. Senthilvel, ... Petitioners/Accused Nos.1 & 3

Vs

State Rep by
The Inspector of Police,
Pudukottai Police Station,
Thoothukudi.

Crime NO.267 of 2021

... Respondent/Complainant

For Petitioner : M/s.Radhakrishnan G,
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. 267 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 379, 468 & 471 of IPC and 21(1) of Mines and Minerals (Development & Regulations) Act, in Crime No.267 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 4 ½ units of gravel sand.

3. The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in



4. The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail on the ground that the first petitioner/A1 is having three previous cases. The details of previous cases of A1 are as under:

(i) Murappanadu Police Station - Cr.No.140 of 2013, u/s. 379 IPC and 21(1) Mines and Minerals (Development & Regulations) Act;

(ii) Seevalaperi Police Station - Cr.No.76 of 2015, u/s. 379 IPC;

(iii) Tirunelveli Taluk Police Station - Cr.No.377/2020, u/s. 379, 465, 468 and 471 IPC.

The learned Government Advocate (Crl. Side) further submits that the second petitioner/A3 is not having any previous case.

5. Considering the bad antecedent of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, the Criminal Original Petition is dismissed as against the first petitioner.

6. Considering the nature of mineral involved and also the fact that the second petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the second petitioner/A3.

7. Accordingly, the Criminal Original Petition is allowed insofar as the second petitioner is concerned. The second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

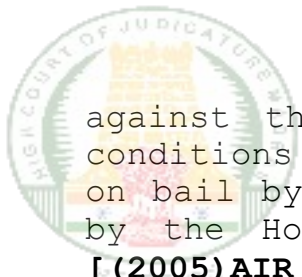
[a]the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the second petitioner shall report before respondent police daily at 10.30 a.m. until further orders;

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d]the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner is 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]** and

[f] If the Second Petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/09/2021

/ TRUE COPY /

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

OGY

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 No.III,
Thoothukudi.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Pudukottai Police Station,
Thoothukudi.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP (MD) No.13725 of 2021
Date : 17/09/2021

TR/PN/SAR-IV(11.10.2021) 3P 5C