



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14555 of 2021

1. Mokkalami
2. Chinnarasu

... Petitioners/Petitioners/
Accused (Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
(Crime No.77 of 2021).

... Respondent/Respondent/
Complainant

For Petitioners : M/s.Pitcahi Muthu.M., Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

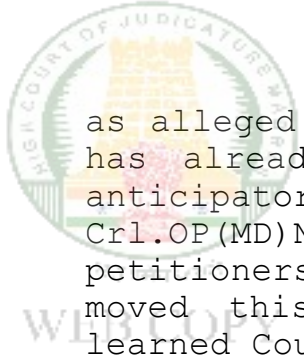
For Anticipatory Bail in Crime No.77 of 2021 on the file of the Respondent Police.

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 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act in Crime No.77 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally transported two units of red sand. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence



as alleged by the prosecution. He further submitted that this Court has already considered the case of the petitioners and granted anticipatory bail to them, vide order dated 26.04.2021, made in CrI.OP(MD)No.5067 of 2021, with certain conditions. But, the petitioners could not arrange sureties and therefore, they have moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

4.The learned Government Advocate(CrI.side) admitted that the petitioners have already been granted anticipatory bail by this Court, in CrI.OP(MD)No.5067 of 2021, dated 26.04.2021 and that they have not complied with the conditions stipulated therein. He further submitted that there is no previous case pending against the petitioners.

5.Considering the nature of mineral involved, the antecedent of the petitioners, the fact that they have already been granted anticipatory bail by this Court and their failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners shall jointly draw a demand draft in favour of Dean, Government Hospital, Dindigul for a sum of Rs.30,000/- (Rupees Thirty Thousand only) without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties.

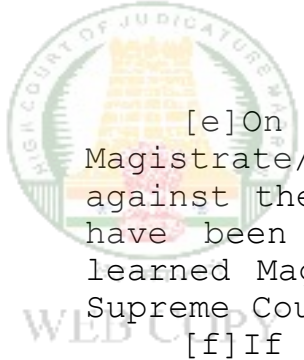
7.On acknowledgment of the same by the Dean, Government Hospital, Dindigul, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakkottai, Dindigul 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar 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 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/-
29/09/2021

/ TRUE COPY /

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

ssb

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,
NILAKKOTTAI, DINDIGUL DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE DEAN, GOVERNMENT HOSPITAL,
DINDIGUL.

ORDER
IN
CRL OP(MD) No.14555 of 2021
Date :29/09/2021