



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15059 of 2021

1.Vimal ... Petitioner/petitioner/Accused No.I
2.Nagalingam ... Petitioner/Petitioner/Accused (Rank not Known)

Vs

State rep by
The Inspector of Police,
Vadipatty Police Station,
Madurai District.

(Crime No. 267/2021). ... Respondent/Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu, 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.267 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 Section 379 IPC r/w Section 21(5) of the Mines and Minerals (Development and Regulation) Act in Crime No.267 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported four units of red sand by using Tractors and Tipper Lorry. 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. He further submitted that this Court has already considered the case of the petitioners and granted anticipatory bail to them, vide order dated 07.06.2021, made in CRL OP(MD)No.15059 of 2021, with certain conditions. But, the



petitioners could not arrange sureties due to the Covid-19 pandemic and therefore, they have moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioners have already been granted anticipatory bail by this Court, in Crl.OP(MD)No.7266 of 2021, dated 07.06.2021 and that they have not complied with the conditions stipulated therein. He further submitted that the first petitioner is having two previous cases to his credit and the second petitioner is not having any previous case.

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 are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judge, Special Court for Mines and Minerals (Development and Regulation) Act Cases, Madurai, and execute fresh personal bonds for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judge, within a period of one month from the date of receipt of a copy of this order and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

[b] the petitioners are directed to jointly pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Advocate Clerk's Welfare Association, Madurai - 625 023 (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c] the first petitioner shall report before the respondent police every Friday at 11.00 a.m., for a period of eight weeks and thereafter as and when required for interrogation and second petitioner shall report before the respondent police as and when required for interrogation;

[d]the petitioners shall not abscond either during investigation or trial;

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial;



[f]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]; and

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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 Judge,
Special Court for Mines and Minerals
(Development and Regulation) Act Cases,
Madurai.
- 2.The Inspector of Police,
Vadipatty Police Station, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Advocate Clerk's Welfare Association,
Madurai - 625 023.

ORDER IN
CRL OP(MD)No.15059 of 2021
Date : 05.10.2021

TR/JM/SAR-II(08.10.2021) 3P 5C

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