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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15386 of 2021

1. Muthumuniyandi
2. Muthuramar

... Petitioners/Accused
1 and 2

Vs

State rep.by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.87/2021)

... Respondent/Complainant

For Petitioner : M/s.Sriharisuriya S.I., Advocate.

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

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

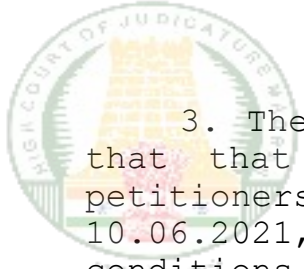
PRAYER :-

For Anticipatory Bail in Crime No.87 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.87 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 1/2 unit of river sand by using a Tractor.



3. The learned counsel appearing for the petitioners submitted that that this Court has already considered the case of the petitioners and granted anticipatory bail to them, vide order dated 10.06.2021, made in Crl.OP(MD)No.7611 of 2021, with certain conditions. But, the petitioners could not arrange sureties due to the Covid-19 pandemic situation and therefore, they moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail.

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.7611 of 2021, dated 10.06.2021 and further submitted that they have not complied with the conditions stipulated therein.

5.Considering the nature of allegation levelled against the petitioners, the fact that the petitioners have already been granted anticipatory bail by this Court and due to the pandemic situation, they were not able to comply with the conditions stipulated in the earlier order, 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, Kadaladi, on condition that the petitioners shall execute fresh personal bonds for a sum of Rs.5,000/- (Rupees five 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 Magistrate 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 as and when required for interrogation.

[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 are 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/-
07/10/2021

/ /2021
Sub-Assistant Registrar (C.S.III)
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 learned Judicial Magistrate,
Kadaladi.
 2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
 3. The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SRIHARISURIYA S.I. Advocate SR.No.7084

ORDER
IN
CRL OP(MD) No.15386 of 2021
Date :07/10/2021