



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15177 of 2021

1. E.Uthayanithi

2. Raja

... Petitioners/Accused

No.4 & 5

Vs

State rep.by

The Inspector of Police,

Tamil University Police Station,

Thanjavur District.

(Crime No.656/2021)

... Respondent/Complainant

For Petitioners : M/s.K.M.Karunakaran, Advocate

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

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

PRAYER :-

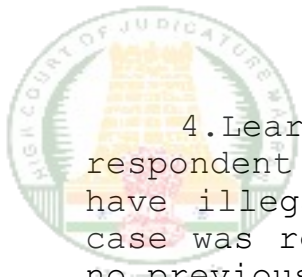
For Anticipatory Bail in Crime No.656 of 2021 on the file of the respondent Police.

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(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.656 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners and other accused have illegally transported red sand in two lorries. Hence, the complaint.

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



4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners and other accused have illegally transported red sand in two lorries and hence, the case was registered. He further submitted that the petitioners have no previous case pending against them.

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5.Considering the nature of mineral involved and the antecedent of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.II, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty 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 learned 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 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 the 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 petitioners / accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
06/10/2021

/ TRUE COPY /

/ /2021

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



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.II,
THANJAVUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15177 of 2021

Date :06/10/2021

SP/SKN/SAR III/13/10/2021/3P/5C