



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

Date : 22.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15859 of 2021

WEB COPY

1.Thanapal

2.Kamal

... Petitioners/ Accused No.1 & 3

Vs

The State rep.by,
The Inspector of Police,
Rajapalayam North Police Station,
Viruthunagar District.
In Crime No.256 of 2021

... Respondent/Complainant

For Petitioners : Mr.M.Jegadeesh Pandian, 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.256 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

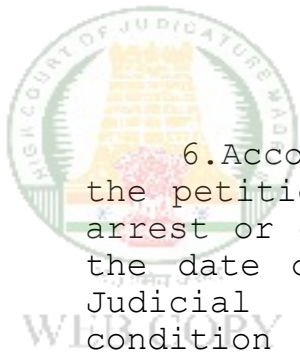
The petitioners/A1 and A3 who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.256 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported 5 ½ units of M-Sand on 15.08.2021. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported 5 ½ units of M-sand illegally. He further submitted that the petitioners have no previous case pending against them.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and also the fact that the petitioners have not involved in any other offences, this Court is inclined to grant anticipatory bail to the



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, Rajapalayam, Viruthunagar District, 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 Magistrate may obtain a copy of their Aadhaar 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 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUTHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15859 of 2021
Date :22/10/2021

cp
MK/SKN/SAR.III/29.10.2021/3P/5C