



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.16390 of 2021

1.Ramakrishnan
2.Kanagaraj @ Kanagarajan
3.Sivakumar

... Petitioner/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District
(Crime No. 423/2021).

... Respondent/Complainant

For Petitioners : Mr.D.VENKATESH, Advocate

For Respondent : Mr.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.423 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, in Crime No.423 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners have illegally transported 1/2 unit of red sand. 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. However, a false case has been foisted as against them and therefore, prays for grant of anticipatory bail.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally transported 1/2 unit of red sand and hence, the case was registered. 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 mineral involved and the fact that the petitioners have not involved in any other offences, 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, Tenkasi, 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 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 have been 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/-
27/10/2021

/ 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
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
TENKASI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16390 of 2021
Date :27/10/2021

SA/SKN/SAR.3/01.11.2021/3P/5C