



WEB COPY

CRL OP(MD) . No.16983 of 2021

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

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.16983 of 2021

1. V.Gowri

2. P.M.Mathai ... Petitioners/Accused Rank Not Known

Vs

The State Rep.by
The Sub Inspector of Police,
Cumbum North Police Station,
Theni District.
(Cr.No.666/2021).

... Respondent/Complainant

For Petitioner : M/s.Appadurai K,
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. 666 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 21(i) (4A) of Mines and Minerals Act and Section 379 of IPC, in Crime No.666 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners have illegally transported M-sand from Tamil Nadu to Kerala. Hence, the complaint.

3.Learned Counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution, but, a false case has been foisted against them.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally transported M-sand and hence, the case was registered. He further submitted that the petitioners have no previous case pending against

<https://hcservices.ecourts.gov.in/hcservices/>



them.

5. Considering the nature of mineral involved and the antecedent of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions

WEB COPY

6. Accordingly, this Criminal Original Petition is allowed. 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, Uthamapalayam, Theni 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 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 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.

sd/-

02/11/2021

/ TRUE COPY /

/ /2021

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

TTA

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, Uthamapalayam,
Theni District

2. -do-Through The Chief Judicial Magistrate, Theni.

3. The Sub Inspector of Police,
Cumbum North Police Station,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.16983 of 2021

Date :02/11/2021

RD/JM(11.11.2021) 3P 5C