



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17290 of 2021

1. Immanuvel and Co.,
Representd Through It Manager,
M.Pitchai, S/o.Murugesan,
Immanuvel and Co,
Pudukkottai, Tuticorin..

2. I.Jambert Mathuram

... Petitioners/Accused
2 & 3

Vs

State rep.by
The Inspector of Police,
Ettayapuram Police Station,
Tuticorin District.
(Crime No.288 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Pradeep Dhinakaran G, 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.288 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.288 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners and the other accused have illegally transported 1.5 inch Zalli kal by using Lorry bearing Registration No.TN 69 AP 9987. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners without prejudice to their right, are ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the first petitioner/A2 is not an accused in the above case.

5.Regarding the second petitioner/A3 is concerned, the case of the prosecution is that though he got permission to take three units, he was found in possession of 4 units of Zallikal.

6.Considering the fact that no case is registered against the first petitioner/A2, recording the said submission made by the learned Government Advocate(Crl.Side), the petition is ordered to be dismissed as against the first petitioner.

7. Considering the facts that the co-accused/A1 was already granted bail and also the fact that the the second petitioner/A3 is not having any previous case, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

8.Accordingly, the 2nd petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Tuticorin, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court, Sankarankovil.

9.On production of such receipt/acknowledgment, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Sankarankovil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the 2nd petitioner 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 2nd petitioner shall report before respondent police daily at 10.30 a.m., and thereafter, as and when required for interrogation.



[c]the 2nd petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the 2nd petitioner shall not abscond either during investigation or trial.

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[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
09/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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, Sankarankovil.
- 2.-Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Ettayapuram Police Station,
Tuticorin District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.17290 of 2021
Date :09/11/2021