



WEB COPY

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

Date : 24/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . Nos.17838 and 17734 of 2021

Balamurugan ... Petitioner /Accused No.2
in Crl.O.P. (MD) No.17838 of 2021

Rajasekar ... Petitioner /Accused No.3
in Crl.O.P. (MD) No.17734 of 2021
Vs

The State rep.by
The Sub-Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.139/2021). ... Respondent/Complainant
in Crl.O.P. (MD) No.17838 of 2021

The State rep.by
The Inspector of Police,
Alangulam East Police Station,
Virudhunagar District.
(Crime No.139/2021). ... Respondent/Complainant
in Crl.O.P. (MD) No.17734 of 2021

For Petitioner : M/s.M.Solaisamy, Advocate
(in Crl.O.P. (MD) No.17838 of 2021)

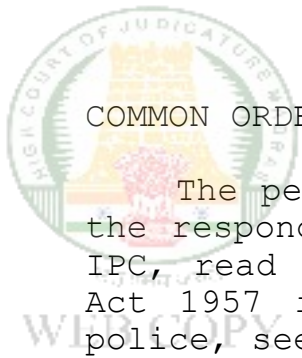
For Petitioner : M/s.S.M.Anantha Murugan, Advocate
(in Crl.O.P. (MD) No.17734 of 2021)

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)
in both petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.139 of 2021 on the file of
the respondent Police.



COMMON 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 Section 379 IPC, read with Section 4(1)(1A) and 21 of Mines and Minerals (D&R) Act 1957 in Crime No.139 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, one M.Subhash Chandra Bose, the Village Administrative Officer, Alangulam Village, Virudhunagar District, alleged that on the date of occurrence, the Tahsildar, Vembakkottai and the Revenue Inspector, Alangulam have conducted a routine inspection in connection with illegal mining and theft of mines and minerals near Alangulam. They found three Tractors and another Tractor with JCB Machine, involved in loading the gravel sand. On seeing the defacto complainant and others, the petitioner and other persons ran away from the spot. A tractor was seized with ½ unit of gravel sand. Hence, the complaint.

3.The learned counsels for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, they 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 (Criminal Side), appearing for the respondent police would submit that the petitioners have transported 1/2 units of gravel sand illegally. He would further submit that each petitioner has one previous case in the similar nature.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each to the credit of the District Mineral Foundation Trust, Virudhunagar District, without prejudice to their rights and contentions before the trial Court and the first petitioner shall produce the receipt/acknowledgment before the learned Principal Sessions Judge, Srivilliputhur and the second petitioner shall produce the receipt/acknowledgment before the learned Principal District Judge, Srivilliputhur.

7.On production of such receipt/acknowledgment, 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 Principal Sessions Court, Srivilliputhur and the learned Principal District Judge, Srivilliputhur, respectively, 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 a.m., for a period of one month and thereafter, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/11/2021

/ 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 PRINCIPAL SESSIONS JUDGE,
SRIVILLIPUTHUR.

2 THE PRINCIPAL DISTRICT JUDGE,
SRIVILLIPUTHUR.



3 THE SUB-INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE,
ALANGULAM EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-8554[I] dated 26/11/2021)
+1CC TO Mr.S.M.ANANTHA MURUGAN, Advocate, Sr No.8465

ORDER IN
CRL OP (MD) .Nos.17838 and 17734 of 2021
Date :24/11/2021

PNN
MS/PN/SAR-2/30.11.2021/4P.9C