



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

Date : 26/11/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18624 of 2021

1. ANWAR @ CHINNACHAMY
2. SANTHANAM

... PETITIONER/ACCUSED NO.1 & 4

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.255 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners: M/s.Saravana Pandian T,
Advocate.

For Respondent : Mr.S.M.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.255 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 & 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 4(1)(1A) & 21(1) of Mines and Mineral (Development and Regulation) Act, 1957, in Crime No.255 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 persons have illegally transported 3 units of red sand by using lorry Registration No.TN-58-AU-7178. 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 Additional Public Prosecutor appearing for the respondent police would submit that the first petitioner was arrested and no previous case is pending against the second petitioner.

5.In view of the above submission, this petition is dismissed as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also the fact that no previous case is pending against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7.Accordingly, the second petitioner shall pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of the District Mineral Foundation Trust, Madurai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial, Magistrate, Peraiyur.

8.On production of such receipt/acknowledgment, the second 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 learned Judicial, Magistrate, Peraiyur, on condition that the second 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 second 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 second petitioner 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 second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second petitioner 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 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/-
26/11/2021

WEB COPY

/ 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,
PERAIYUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.18624 of 2021
Date :26/11/2021

dss
USK/PN/SAR-IV/ (03.12.2021) 3P-6C