



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.248 of 2022

1. Chinnakannu
2. Sevukaperumal

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Illupur Police Station,
Pudukkottai District.
Crime No.456/2021.

... Respondent/Complainant

For Petitioners: M/s.Ganapathi Subramanian P,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.456 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 IPC and 21(1) of Mines and Mineral (Development and Regulation) Act, 1957, in Crime No.456 of 2021 on the file of the respondent police, seek/s anticipatory bail.

2.The case against the petitioner is sand theft. For which a case in Crime NO.456 of 2021 has been registered.

3.On the side of the petitioners, it is stated that the first petitioner is driver of the vehicle and the second petitioner is the owner of the vehicle. The allegation against the petitioners is that they transported two units of river sand in a lorry. The petitioners are no way connected with the case and prayed the petitioners to be released on anticipatory bail.



4. On the side of the respondent, it is stated that the lorry was seized by the respondent with two units of river sand. Both the petitioners flee from the place of occurrence. The prosecution fairly admitted that the petitioners are not having any previous cases.

5. In view of the submissions made by both sides, this Court is inclined to grant anticipatory bail to the petitioners on stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.456 of 2021 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned District Munsif cum Judicial Magistrate, Illupur, Pudukottai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/01/2022

/ TRUE COPY /

/ /2022
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.



1. The District Munsif cum Judicial Magistrate,
Illuppur, Pudukkottai District.

2.Do-Through The Chief Judicial Magistrate,
Pudukottai District.

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

ORDER
IN
CRL OP (MD) No.248 of 2022
Date :07/01/2022

RS/JC/SAR.1 (12.01.2022) 3P-5C