



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1472 of 2022

WEB COPY

1. Shanmugam

2. Kaleeswaran @ Eswaran ... Petitioners/Accused 1 & 3

Vs

The State Rep.by
The Inpsector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.375/2021).

... Respondent/Complainant

For Petitioners: Mr.T.Lenin Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.375/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.375 of 2021, seek anticipatory bail.

2.The case against the petitioners is that they have attempted to commit theft of river sand by engaging the JCB vehicle. The case in Crime No.375 of 2021 was registered against the petitioners under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioners filed this petition for anticipatory bail.



3.On the side of the petitioners it is stated that the petitioners are A1 & A3 in this case, no sand was actually transported. The prime accused was already released on bail. The allegation against the petitioners is that they helped the fourth accused and there is no previous case pending against the petitioners. Hence, prays to release them on anticipatory bail.

4.On the side of prosecution it is stated that there was no recovery from the petitioners and they only attempted to transport river sand. It is fairly admitted that the petitioners are not having any previous case.

5.Considering the fact that there is no bad antecedents against the petitioners and the fact that the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners on the following conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.II, Karur District and on their executing 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 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

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

sd/-
28/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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 No.II,
Karur.
2. -do-Through The Chief Judicial Magistrate,
Karur District.
- 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.1472 of 2022

Date :28/01/2022

RD/VR/SAR-III (04.02.2022) 3P 5C