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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3969 of 2022

1. Valampuri
2. Uthiraselvam

... Petitioners/Accused No.1 & 2

Vs

State of Tamil Nadu
represented by its
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
(Crime No.168 of 2021)

...Respondent/Complainant

For Petitioners: M/s.R.Babu Jaganath, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

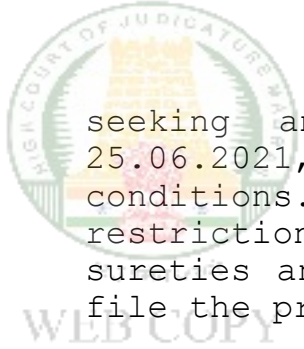
For Anticipatory Bail in Crime No.168 of 2021 on the file of the Respondent police.

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 Section 21 (1) of Mines and Minerals (Development and Regulation) Act r/w Section 379 IPC, in Crime No.168 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 21.06.2021, the petitioners have illegally transported $\frac{3}{4}$ unit of Savadu sand by using Tractor. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have filed a petition in Crl.O.P.(MD)No.8358 of 2021



seeking anticipatory bail and this Court, vide order dated 25.06.2021, has granted anticipatory bail imposing certain conditions. He would further submit that due to COVID-19 restrictions, the petitioners are not in a position to furnish the sureties and comply with the order and thereby, they are forced to file the present application.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have transported $\frac{3}{4}$ unit of Savadu sand illegally.

5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each to the credit of the District Mineral Foundation Trust, Ramanathapuram District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court No.I, Ramanathapuram District.

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 Judicial Magistrate Court No.I, Ramanathapuram District, 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 the respondent police daily at 10.30 a.m., until further orders.

[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.

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Sd/-
01/03/2022

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

CSM

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.I,
RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3969 of 2022
Date :01/03/2022