



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5881 of 2022

1. Rohith Kumar
2. Kamesh

... Petitioners/Accused Nos.1 & 2

Vs

State represented by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.60 of 2022)

... Respondent/Complainant

For Petitioners: M/s.Prabha, Advocate
for Mr.D.Rameshkumar, Advocate.
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :- For Anticipatory Bail in Crime No.60 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1)(ii) of Mines and Minerals (Development and Regulation) Act, in Crime No.60 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported $\frac{1}{4}$ unit of savadu sand. Hence, the complaint.

3.When the matter is taken up for hearing today, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition as far as the second petitioner is concerned and she has also made an endorsement to that effect. Hence, this petition is dismissed as withdrawn as against the second petitioner concerned.



4.The learned counsel for the petitioners would further submit that the first petitioner is innocent and he has been falsely implicated in this case. However, she would further submit that the first petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

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5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have transported $\frac{1}{4}$ unit of savadu sand illegally. He would further submit that the first petitioner is not having any previous cases.

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

7.Accordingly, the first petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the District Mineral Foundation Trust, Ramanathapuram District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Chief Judicial Magistrate Court No.I, Ramanathapuram.

8.On production of such receipt/acknowledgment, the first 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 Chief Judicial Magistrate Court No.I, Ramanathapuram, on condition that the first 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:

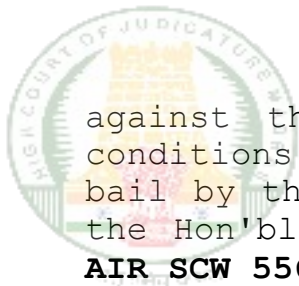
[a]the first petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the first petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the first 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
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against the first petitioner in accordance with law as if the conditions have been imposed and the first 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/-
04/04/2022

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVIPATTAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.5881 of 2022
Date : 04/04/2022

RS/VR/SAR.4 (11.04.2022) 3P-6C

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