



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.20338 of 2021

WEB COPY

1. Vinoth @ Vinothkumar
2. Parthiban

... Petitioners/Accused No.2&3

Vs

State Rep.by
The Inspector of Police,
Jambunathapuram Police Station,
Jambunathapuram,
Trichy District.
Crime No.270 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Arunraj K,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.270 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals Act, in Crime No.270 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners have illegally transported 1/4 unit of river sand by using Tractor. Hence, the complaint.

3.Learned Counsel for the petitioners submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are involved in social activities, therefore, the case has been foisted against them. However, to show their *bona fide*, they spent a sum of Rs.70,000/- to Panchayat Union Middle school, Chockanathapuram for maintenance and also produced the copy of the acknowledgment.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have illegally



transported half unit of river sand and hence, the case was registered. He further submitted that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the petitioners are spent a sum of Rs.70,000/- to Panychayat Union Middle school, Chockanathapuram for maintenance, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Thuraiyur, 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 respondent police on every Saturday at 10.30 a.m., until further order.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/01/2022

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
JAMBUNATHAPURAM,
TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20338 of 2021
Date :20/01/2022

RS/VR/SAR.1(04.02.2022) 3P-5C