



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/01/2022

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PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.20435 of 2021

1. Senthilkumar
2. Kottaimuthu

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.470 of 2021).

... Respondent/Complainant

For Petitioners: M/s.C.Saravanakumar, Advocate.

For Respondent : M/s.S.Manikandam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.470 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Rank Not Known, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC (Sand Theft) in Crime No.470 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 19.11.2021, at about 8 a.m., when the police party was under vehicle checkup, they found one TATA ACE vehicle bearing registration No.TN 72 BX 5312 and intercepted. On investigation, they found 22 bags of sand worth about Rs.2,000/- and filed a case for the offence of illegal transportation without any permission.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. The bags of sand was taken from the house which was demolished. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.2,200/- (Rupees Two Thousand and Two Hundred only) to the credit of Cr.No.470 of 2021 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there was no instruction with regard to the place from which the sand was taken and no particular was submitted by the petitioner.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.2,200/- (Rupees Two Thousand Two Hundred only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.2,200/- (Rupees Two Thousand and Two Hundred only) to the credit of Cr.No.470 of 2021 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

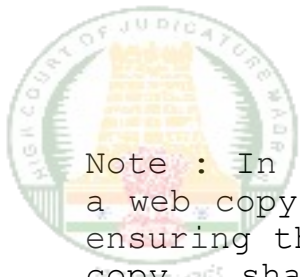
7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Radhapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two 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/-
04/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
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.

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TO

1. THE JUDICIAL MAGISTRATE,
RADHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SARAVANAKUMAR C Advocate SR.No.21

ORDER

IN

CRL OP(MD) No.20435 of 2021

Date :04/01/2022

SP/JC/SAR III/10/01/2022/3P/6C