



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21964 of 2022

WEB COPY

- 1.Arumugam
S/o.Munyandi
- 2.Arumugam
S/o.Mokkaiah
- 3.Kallpetti @ Aravindkumar ... Petitioners/Accused No.2 to 4

-vs-

The State represented by
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Cr.No.1468 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.1468 of 2020 on the file of the respondent Police.

For Petitioner	: Mr.C.Ezhilarasu Advocate
For Respondent	: Mr.M.Veeranthiran Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 379 IPC and Section 21(1) Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1468 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 23.11.2022, the petitioners along with other accused committed theft of half unit of red sand. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would also submit that the petitioners are agriculturalists and that for their farming operation, they have taken sand from the odai. Other than that, they have not committed any offence. He would also submit that the main accused were arrested and released on bail.



4.The learned Government Advocate (crl.side) would submit that the petitioners along with other accused have committed theft of red sand and that the second petitioner has got two previous cases under IPC offences.

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5.In reply, the learned Counsel for the petitioners would submit that as far as the second petitioner, he has no other case under the Mines and Minerals (Development and Regulation) Act, 1957. However, he would submit that without prejudice to the defence, the petitioners are ready to make a donation for any welfare activity.

5.Heard the learned Counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall pay a sum of Rs.2,000/- each to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special Court for MMDR Act, Madurai.

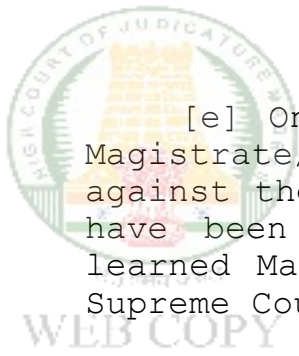
8.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for MMDR Act, Madurai, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with 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 229A IPC.

sd/-
13/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
SPECIAL COURT FOR MMDR ACT, MADURAI.
2. THE INSPECTOR OF POLICE,
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE OFFICER-INCHARGE,
MADURAI BENCH OF HIGH COURT ADVOCATES ASSOCIATION (MBHAA),
MADURAI.

+1 CC to M/s.EZHILARASU C, Advocate (SR-14791[I] dated 14/12/2022)

ORDER
IN
CRL OP(MD) No.21964 of 2022
Date :13/12/2022

cmr
USK/VR/SAR-II/22.12.2022/3P/6C