



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10672 of 2019

1. Vimal,

2. Inbaraj, ... Petitioners/Accused rank not known

Vs

The state rep by  
The Inspector of Police,  
Melthur Police Station,  
Thanjavur District (Crime No.9 of 2019).  
... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,  
Advocate.

For Respondent : Mrs.M.Anantha Devi,  
Government Advocate (Crl.Side)

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

PRAYER :-

for anticipatory bail in Crime No.09 of 2019 on the file of the  
respondent police

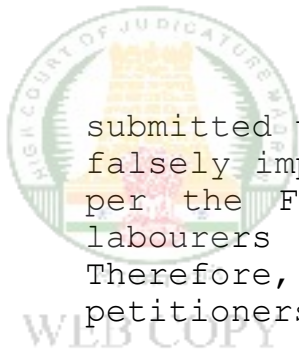
ORDER

The petitioners, who apprehend arrest at the hands of the  
respondent police for the offences punishable under Section 379 of  
I.P.C. and Section 21(4) of Mines and Minerals (Development and  
Regulations) Act, in Crime No.09 of 2019 seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has

<https://hcservices.ecourts.gov.in/hcservices/>



submitted that petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that as per the First Information Report, they have been only shown as labourers and no previous case pending against the petitioners. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) for the respondent has submitted that the petitioners have illegally transported four units of river sand. She further submitted that totally four accused in this case and A1 in this case already granted anticipatory bail by this Court in Crl.O.P.(MD)No.4761 of 2019, dated 09.03.2019 and. She fairly conceded that no other case is pending against the petitioners. She would also submit that if the petitioners are released on bail, they may indulge in sand mining and opposed for grant of bail.

5.Totally four accused involved in this case, the quantity of sand involved in this case is four units, already this Court while granting anticipatory bail to A1 in Crl.O.P.(MD)No.4761 of 2019 has directed A1 to make non-refundable deposit of Rs.60,000/- through Demand Draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District and in pursuance of the said order, A1 has paid the said amount to the said Foundation and also obtained acknowledgment on 10.05.2019.

6.Taking into consideration of the fact that the submission made by the learned counsel for the petitioners that the petitioners are only labourers and also the fact that no previous case is pending against them, this Court is inclined to grant bail to the petitioners by imposing conditions.

7. Accordingly, 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 No.III, Thanjavur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.



(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
29/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III  
THANJAVUR

2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE  
THANJAVUR AT KUMBAKONAM

3 THE INSPECTOR OF POLICE  
MELTHUR POLICE STATION, THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.12507

ORDER  
IN  
CRL OP(MD) No.10672 of 2019  
Date :29/07/2019

KM/JC/SAR-II (08.08.2019) 3P 6C