



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4009 of 2020

Jayakandan

... Petitioner/Accused
(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No.181 of 2019

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No/181 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein is the owner of Lorry bearing Registration No.TN-65-L-9524. The said Lorry was intercepted by the police team on 29.08.2019 near Kannukudi four road, seeing the police party to the driver of the vehicle as absconded and fledged, the police party found two units of river sand being transported without any valid permit. The said lorry was seized and case was registered under Crime No.181 of 2019 for the offences under Sections 379 of I.P.C. r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Nearly after six months of the occurrence, the present petition is filed by the owner of the vehicle seeking anticipatory bail.

2.Taking note of the fact that the petitioner has used his vehicle for illegal transport of river sand without permit and despite vehicle was seized, the respondent were not able to secure the owner of the vehicle for the six months, this Court is inclined



to grant anticipatory bail to the petitioner with certain conditions.

3. Accordingly, the 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 District Munsif-cum-Judicial Magistrate, Orathanadu, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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:

(a) the 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.181 of 2019, before the District Munsif-cum-Judicial Magistrate, Orathanadu, Thanjavur District, without prejudice to his defence before the trial Court;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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]***; and;

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

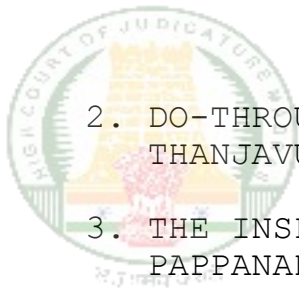
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05/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PITCHAI MUTHU, Advocate (SR-4947[I] dated 06/03/2020)

ORDER
IN
CRL OP(MD) No.4009 of 2020
Date :05/03/2020

MS/PN/SAR-3/09.03.2020/3P.6C