



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.4103 of 2020

ELANGO VAN

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MARUVUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.24/2019

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.Ma.Karunanithi,
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.24 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C. and 21(1) of Mines and Minerals Development and Regulations Act, 1957, in Crime No.24 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is the owner of the vehicle. He has illicitly transported two units of river sand without valid permit. When the vehicle was intercepted by the respondent police, the driver and others have fled away from the scene. Now the petitioner seeks anticipatory bail.



3.The occurrence has taken place on 30.03.2019. Though the vehicle was seized and the ownership of the vehicle could have been easily ascertained, the investigating officer has not so far secured the owner. Now the owner himself has come before this Court seeking anticipatory bail. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

4.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 Judicial Magistrate, Thiruvaiyaru, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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.1,60,000/- (Rupees One Lakh and Sixty thousand only) to the credit of Crime No.24 of 2019, before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, without prejudice to his defence before the trial Court;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(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.

sd/-
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 JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MARUVUR POLICE STATION,
THANJAVUR DISTRICT

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

+1 CC to M/s.MA.KARUNANITHI, Advocate (SR-4880[I] dated
06/03/2020)

ORDER

IN

CRL OP(MD) No.4103 of 2020

Date :05/03/2020

SJI

JM/VR/SAR 3/09.03.2020/3P/6C