



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2020

WEB COPY

PRESENT

The Hon`ble **Dr.Justice G.JAYACHANDRAN**

CRL OP(MD) . No.4941 of 2020

Rameshkumar

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
Crime No.55 of 2020

... Respondent/Complainant

For Petitioner : Mr.G.Gomathi Sankar,
Advocate.

For Respondent : Mr.K.Suyambilinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

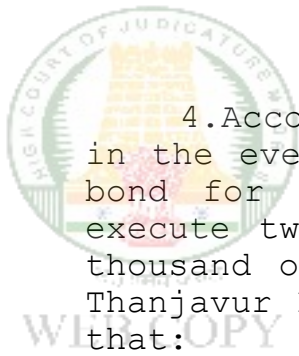
For Anticipatory Bail in Crime No.55 of 2020 on the file of the Respondent Police.

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 IPC r/w.21(4) of Mines and Minerals Development and Regulation Act,1957 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the mini lorry, in which, 1 unit of river sand has been illegally transported. While the driver and the owner of the mini lorry were arrested, this petitioner has fled from the scene of occurrence.

3.Taking note of the fact that the occurrence took place three month ago, till the petitioner is at large, for completion of investigation, this Court is inclined to grant anticipatory bail to the petitioner.



4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing a own bond for a sum of Rs.25,000/- and further the petitioner shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) before the learned Judicial Magistrate, Papanasam, Thanjavur District on or before 05.07.2020 and on further condition that:

[a] the petitioner shall make a non refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/06/2020

/ TRUE COPY /

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



TO

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

COPY TO:

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-5774[I] dated
05/06/2020)

ORDER

IN

CRL OP(MD) No.4941 of 2020

Date :05/06/2020

MS/PN/SAR-3/08.06.2020/3P.7C