



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 07/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5220 of 2020

Thangaraj ... Petitioner/3<sup>rd</sup> Accused  
Vs  
The State rep.by  
The Sub Inspector of Police,  
Karur Town Police Station,  
Cr.No. 95 of 2020. ... Respondent/Complainant

For Petitioner : R.Chandrasekar,  
Advocate.

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

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

PRAYER :-

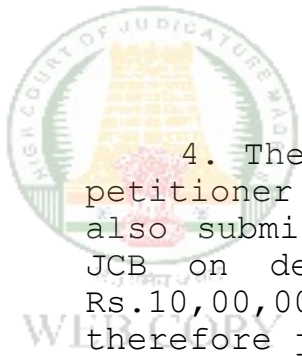
for Anticipatory bail in Crime No.95 of 2020 on the file of the  
respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the  
respondent police for the offences punishable under Sections 379 of  
IPC R/w.Section 21(1)of Mines and Minerals(Development and  
Regulation)Act, 1957 seeks anticipatory bail.

2. Heard both sides.

3. According to the First Information Report, Taurus Lorry  
carrying five units of river sand was intercepted in the highways by  
the respondent police and on interception it was found that river  
sand was illegally transported from the vacant site using JCB.  
Services by the petitioner.



4. The learned counsel for the petitioner would submit that the petitioner is not aware of illegal transportation of sand. He would also submit that the learned Magistrate has ordered for return of JCB on deposit of Rs.2,00,000/- and also executed bond for Rs.10,00,000/- and the petitioner has also deposited the same and therefore judicial custody is not necessary and he is also ready to co-operate with the investigation.

5. The learned Additional Public Prosecutor would submit that the presence of the petitioner at the site is specifically mentioned in the First Information Report.

6. Taking into consideration the facts and circumstance of the case and also the fact that the JCB of the petitioner has been returned by the learned Magistrate, this Court is inclined to grant anticipatory bail to the petitioner on condition.

7. 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.50,000/- (Rupees Fifty thousand only) each before the learned Judicial Magistrate No.I, Karur on or before 05.06.2020 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/- before the concerned District Mineral and Foundation Trust.

(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.

sd/-  
07/05/2020

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,  
KARUR TOWN POLICE STATION.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to:

THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST, KARUR DISTRICT,

ORDER  
IN  
CRL OP(MD) No.5220 of 2020  
Date :07/05/2020

SDS/JC/SAR-2/08.05.2018/2P/6C