



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/05/2020

PRESENT

WEB COPY

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5415 of 2020

1. K.Kandagirivasan
2. S.Thirunavukarasu

... Petitioners/Accused No. 7&8

Vs

The State rep. by
The Inspector of Police,
Kallaperambur Police Station,
Kallaperumbur,
Thanjavur District
(Crime No.33 of 2020).

... Respondent/Complainant

For Petitioner : M/s.J.Parekhkumar,
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.33 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 21(1) of Mines and Minerals (Development and Regulation) Act 1857 and Section 379 of I.P.C., in Crime No.33 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The allegation against the petitioners is that they have permitted the other accused to transport illegal mine river sand through their land.



4. According to FIR, these petitioners are facilitated A1 to A6 to transport 1½ of unit river sand in their bullock cart

5. The learned counsel for the petitioners would submit that it is a dry vacant land and without the knowledge and consent of the petitioners, A1 to A6 have transported river sand illegally. These petitioners are innocent and they are no way connected with alleged crime.

6. In the above said circumstances, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Thanjavur and on their executing 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 learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police as and when required.

[b] the petitioners shall deposit a sum of Rs.5,000/- each (Totally Rs.10,000/-) before the concerned District Mineral and Foundation Trust.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/05/2020

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



TO

1. THE JUDICIAL MAGISTRATE II,
THANJAVUR.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
KALLAPERAMBUR POLICE STATION,
KALLAPERUMBUR,
THANJAVUR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER IN CHARGE,
DISTRICT MINERAL AND FOUNDATION TRUST,
THANJAVUR.

ORDER
IN
CRL OP (MD) No.5415 of 2020
Date :21/05/2020

GNS
SRS/ VR/ SAR-II/ 21.05.2020/ 3P/6C