



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

Date : 01/06/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5537 of 2020

Senthilkumar @ Senthil

... Petitioner/Accused No.2

Vs

State rep. by its
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.740 of 2020)

... Respondent/Complainant

For Petitioner : M/s S.Deenadhayalan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.740 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(1) of Mines and Minerals Development and Regulation Act,1957 seeks anticipatory bail.

2. The petitioner is the owner of the Bolero Pick Up vehicle bearing Reg. No. TN 18 L 8524. On 19.05.2020 the Village Administrative Officer has given complaint stating that half unit of river sand was illegally transported in the said vehicle. Natesan, driver of the vehicle was apprehended and the vehicle along with sand was also seized.



3. The petitioner herein who is the owner of the vehicle would submit that he is no way connected with the offence and without his knowledge the occurrence has taken place and he has given the vehicle only for Kudimarathathu work.

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4. Taking note of the fact that the vehicle has already been seized and the driver was also arrested, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions:

5. 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 learned Judicial Magistrate Pattukottai, 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner shall make a non refundable deposit of **Rs.20,000/- (Rupees Twenty 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 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]**.



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

sd/-
01/06/2020

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

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI
THANJAVUR DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR.
4. THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-5715[I] dated 01/06/2020)

ORDER
IN
CRL OP(MD) No.5537 of 2020
Date :01/06/2020

AAV

<https://hcservices.ecourts.gov.in/cases/02.06.2020/3P/7C>