



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.5550 of 2020

1. Vasudevan
2. Chinnadurai
3. Tamilselvam

... Petitioners/Accused No.1 to 3

Vs

State Rep. by
The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
Crime No. 220 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.S.Duraipandian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 220 of 2020 on the
respondent Police

ORDER : The Court made the following order :-

The petitioners 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 seek anticipatory bail.

2. The case of the prosecution is that the petitioners have
illegally transported ¾ units of river sand in a bullock cart.

3.The learned counsel for the petitioner would submit that the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on following conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) each 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] each of the petitioners 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 petitioners 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 petitioners 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.

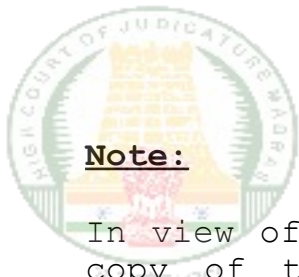
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
01/06/2020

/ TRUE COPY /

/ /2020
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 NO.II,
THANJAVUR DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. INSPECTOR OF POLICE,
KALLAPERAMBUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5550 of 2020
Date :01/06/2020

AAV
TE/VR/SAR-III : 02/06/2020 : 3P/6C