



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.6009 of 2020

1. Nithiyanantham
2. Rajesh @ Rajeshkumar ... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District (Crime.No. 376 of 2020).
... Respondent/Complainant

For Petitioner : M/s.K.M.Karunkaran,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

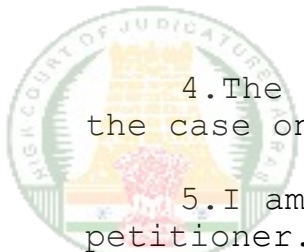
For Anticipatory Bail in Crime.No. 376 of 2020 on the file of
the Respondent police

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under section 379 of
I.P.C., r/w 21 (4) of Mines and Minerals (Development and
Regulation) Act in Crime No. 376 of 2020 on the file of the
respondent police, seek anticipatory bail.

3.The contraband involved in this case is two units of sand.



4.The learned Government Advocate points out that apart from the case on hand, the second petitioner is having two other cases.

5.I am therefore not inclined to grant any relief to the second petitioner. Hence, this Criminal Original Petition stands dismissed as regards the second petitioner. The anticipatory bail is granted for the first petitioner alone, because the first petitioner has come forward to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand).

4.Taking note of the facts and circumstances of the case, anticipatory bail is granted to the first petitioner with certain conditions. The first petitioner undertakes to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) as non refundable deposit to the credit of Crime No.376 of 2020, before the jurisdictional Court. It will be without prejudice to the first petitioner's defence in the trial. The said amount will be transferred by the Court to the account of any relief fund that may be maintained by the district administration. The district administration shall spend the amount for any welfare activity and also submit user certificate to the Registry of this Court. On such deposit, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate, Papananasam, Thanjavur District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police as and when required for interrogation. The first petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

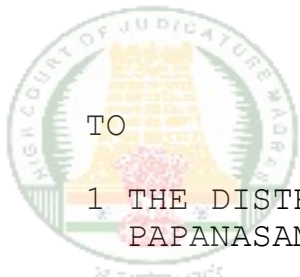
5. The first petitioner shall appear before the concerned Magistrate within a period of eight weeks from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
11/06/2020

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.

4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6009 of 2020

Date :11/06/2020

SDS / SKN / SAR-2 (16.06.2020) 3P-5C