



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.6736 of 2020

1. Baskaran
2. Ramesh
3. Sudharasan
4. Alaxsandar

... Petitioners/Accused NO. 1 to 4

Vs

The State rep. by
The Inspector of Police,
Tanjavur Taluk Police Station,
Thanjavur District,
(Crime No. 632 of 2019).

... Respondent/Complainant

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

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.632 of 2019 on the file of the respondent police

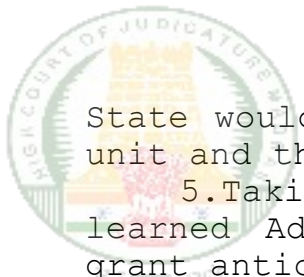
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor 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 Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.632 of 2019, on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on 04.05.2020 each of the petitioners were illicitly transporting ¼ unit of river sand by using bullock cart.

<https://hcservices.equitynet.in/hcservices/equitynet> Heard Additional Public Prosecutor appearing for the



State would submit that the total quantity of sand involved is one unit and the same was recovered by the respondent police.

5. Taking note of the fact and the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks 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.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) 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;

(b) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each before the concerned District Mineral and Foundation Trust on or before 15.07.2020, without prejudice and subject to outcome of the trial;

(c) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/06/2020

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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 NO II,
THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
TANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT,
- 4 THE ADDITIOANL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE OFFICER INCHARGE,
DISTRICT MINERAL AND FOUNDATION TRUST,
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.6736 of 2020
Date :29/06/2020

PD/JC/SAR 2/01.07.2020/3P/6C