



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

Date : 01/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.6892 of 2020

1. Tulasi
2. Kasi

...Petitioners/Accused No.1 & 2

Vs

State rep by
The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District
(Crime No. 464 of 2020)

.... Respondent/Complainant

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

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 464 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 Additional Public Prosecutor appearing for the respondent.

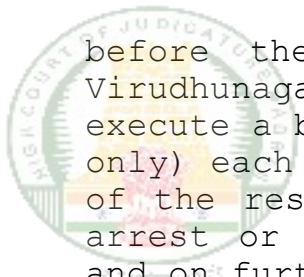
2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 379 of
I.P.C. r/w 21(1) of Mines and Minerals Act (Development and
Regulation) Act, 1957, in Crime No.464 of 2020, on the file of the
respondent police, seek anticipatory bail.

3.The case of the prosecution is that on 31.03.2020, the
petitioners illegally transported 1 ½ unit of river sand by using
Tractor bearing Regn.No.TN-28-AV-0254. Hence, a case has been
registered.

4.The learned Additional Public Prosecutor appearing for the
State would submit that the quantity of sand involved is 1 ½ 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.

<https://hcservices.courts.mca.gov.in/> 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, Srivilliputhur, Virudhunagar District, on condition that the petitioner 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:

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(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.50,000/- (Rupees Fifty 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/-

01.07.2020

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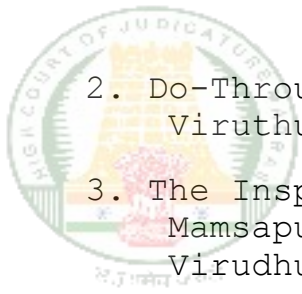
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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,
<https://hcservices.ecourts.gov.in/hcservices/>
Srivilliputhur, Virudhunagar District,



2. Do-Through The Chief Judicial Magistrate,
Viruthunagar at Srivilliputhur

3. The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5. The District Mineral and Foundation Trust,
Virudhunagar District.

ORDER

IN

CRL OP(MD) No.6892 of 2020

Date : 01/07/2020

VB SKN SAR2 (03.07.2020) 3P 6C