



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

Date : 02/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.6934 of 2020

WEB COPY

Sekar

... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Bhoodhalur Police Station,
Thanjavur District,
Crime No. 576 of 2020.

... Respondent/Complainant

For Petitioner : M/s.D.Saranya,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.576 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

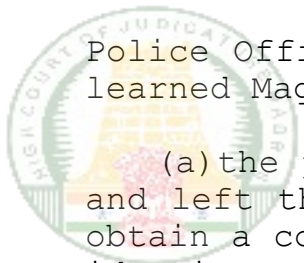
Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Section 379 of
I.P.C. and Section 21(4) of Mines and Minerals (Development and
Regulation) Act, 1957, seeks anticipatory bail.

3.The petitioner has illegally transported $\frac{1}{4}$ unit of river
sand.

4.Taking note of the facts and circumstances of the case and
also taking note of the quantity of sand involved, this Court is
inclined to grant anticipatory bail to the petitioner with certain
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 four
weeks from the date of receipt of a copy of this order, before the
learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, on
condition that the petitioner shall execute 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 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 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;

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

(c) 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]**; and;

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

sd/-

02.07.2020

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/ /2020

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

AAV

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, Thiruvaiyaru,
Thanjavur District.

2. -Do- Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

3. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Bhoodhalur Police Station,
Thanjavur District, Crime No. 576 of 2020.



4. The District Mineral and Foundation Trust,
Thanjavur.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.6934 of 2020

Date : 02/07/2020

VB SKN SAR 2 (03.07.2020) 3P 6C