



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

Date : 06/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.8222 of 2020

WEB COPY

1. Manoj Kumar

2. Barnas @ Hoseph Barnas ... Petitioners/Accused No.1 and 2

Vs

The Sub Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No.417 of 2019.

... Respondent/Complainant

For petitioners : Mr.M.Karunanithi,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.417 of 2019 on the file of
the Respondent Police

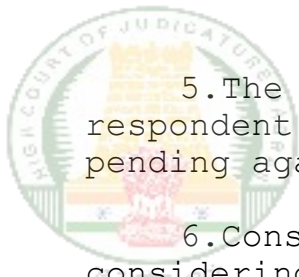
ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2, 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 Regulations) Act, 1957, in Crime No.417 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were said to have illegally transported two units of river sand by using TATA load Vehicle. Hence, a complaint has been registered.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners will voluntarily make a non refundable payment of Rs.35,000/- (Rupees Thirty Five Thousand Only) to the credit of the Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to his rights in the criminal case.



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are two previous cases pending against the first petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that the quantum of sand, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Papanasam, 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 is directed to jointly deposit a sum of Rs.35,000/-(Rupees Thirty Five Thousand Only)to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of Two weeks without prejudice to his rights and contentions before the trial Court ;

(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]; and;

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

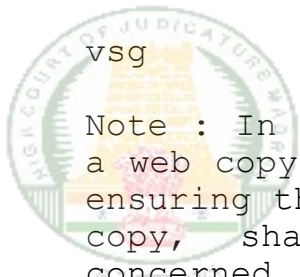
sd/-

06.08.2020

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



vsg

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.

WEB COPY

TO

1. The District Munsif Cum Judicial Magistrate,
Papanasam, Thanjavur District.
2. -Do- Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
3. The Sub Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
5. The Advocate Clerk's Welfare Association,
Madras High Court Madurai Bench, Madurai.

ORDER

IN

CRL OP (MD) No.8222 of 2020

Date : 06/08/2020

VB (12.08.2020) 3P 6C