



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8357 of 2020

Murugaraj

... Petitioner/Sole Accused

Vs

The State rep. by  
The Inspector of Police,  
Ammapettai Police Station,  
Thanjavur District.  
(Crime No.767/2020).

... Respondent/Complainant

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

For Respondent : Mr.Saravana kumar,  
Government Advocate.

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

**PRAYER :-**

For Anticipatory Bail in Crime No.767/2020 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C. r/w Section 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, in Crime No.767 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have illegally transported Half Unit of river sand. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution.

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

6.Considering the facts and circumstances of the case and considering the fact that the quantum of sand, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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 petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only)to the credit of the Advocate Clerks' Association, Pattukkottai (Bank of India, Pattukkottai Branch, Saving Account No.814610110009887, IFSC Code: BKID0008146 ), within a period of Two weeks, without prejudice to his rights and contention before the trial Court.

(c)the 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

<https://hccourts.courts.gov.in/Kcse6/hcc> *Govindarajan P. In/ Kcse6/hcc* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-  
31/08/2020

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/ /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. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
AMMAPETTAI POLICE STATION,  
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**COPY TO:**

THE OFFICER IN CHARGE,  
ADVOCATE CLERKS' ASSOCIATION,  
PATTUKKOTTAI.

ORDER  
IN  
CRL OP(MD) No.8357 of 2020  
Date :31/08/2020

KSA  
SRS/ AKM/ SAR-III/ 03.09.2020/ 3P/6C