



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

Date : 13/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN  
CRL OP(MD) . No.8402 of 2020

Prabhakaran

... Petitioner/Sole Accused

Vs

The State through  
The Inspector of Police,  
Kabisthalam Police Station,  
Thanjavur District.  
Cr.No. 752 of 2020.

... Respondent/Complainant

For Petitioner : Mr.U.Umamaheswaran,  
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 Cr.No.752 of 2020 on the file of the  
respondent police.

ORDER : The Court made the following order :-

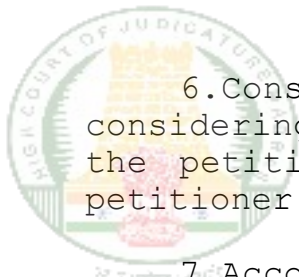
The petitioner, who is the Sole Accused, apprehending arrest at  
the hands of the respondent police for the offences punishable under  
section 379 of I.P.C., r/w Section 21(4) of Mines and Minerals  
(Regulation and Development) Act, 1957, in Crime No.752 of 2020  
on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was said  
to have illegally transported quarter unit of river sand by using  
Bullock Cart. Hence, a complaint has been registered.

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

4.The learned counsel appearing for the petitioner submitted  
that the petitioner is an innocent person and he has not committed  
any offence as alleged by the prosecution and he has been falsely  
implicated in this case. The petitioner is not having any bad  
antecedent and hence, he prayed for grant of anticipatory bail to  
the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the  
respondent police submitted that there is no previous case pending  
against the petitioner.



6. Considering the facts and circumstances of the case and considering the fact that there is no previous case pending against the petitioner, I am 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 District Munsif Cum Judicial Magistrate Court, Papanasam, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

sd/-

13.08.2020

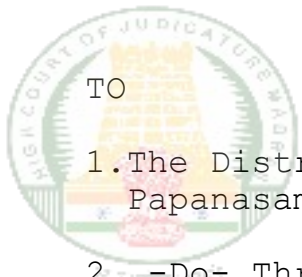
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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.



TO

1. The District Munsif Cum Judicial Magistrate Court,  
Papanasam, Thanjavur District.

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

3. The Inspector of Police,  
Kabistharam Police Station,  
Thanjavur District.

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

ORDER IN  
CRL OP (MD) No.8402 of 2020  
Date : 13/08/2020

VB SKN SAR 2 (17.08.2020) 3P 5C