



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

Date : 26/08/2020  
PRESENT

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The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8948 of 2020

1. Raja  
2. Sundar

... Petitioners/Accused Nos.1&5

**Vs**

The State rep. by  
The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur District  
(Crime No. 1036 of 2020).

... Respondent/Complainant

For Petitioners : M/s D.R.Murugesan, Advocate.  
For Respondent : Mr.M.Chandrasekaran,  
Additional Public Prosecutor

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

**PRAYER :-**

For Anticipatory Bail in Crime No. 1036 of 2020 on the file of the respondent police

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

The petitioners/A1 and A5, who apprehends 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 the Mines and Minerals (Development & Regulation Act) on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have illegally transported 1 ½ units of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the State would submit that the total quantity of sand involved is 1 ½ units and the same was recovered by the respondent police. He would also submit that no previous case is pending against the petitioners.



5. Taking into consideration the facts and circumstances of the case and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. 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 Judicial Magistrate No.II, 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 shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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 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;

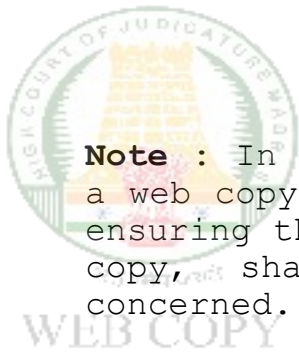
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/08/2020

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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 JUDICIAL MAGISTRATE NO.II,  
THANJAVUR DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
THANJAVUR TALUK POLICE STATION,  
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.8948 of 2020

Date :26/08/2020

AAV

SRS/ AKM/ SAR-III/ 28.08.2020/ 3P/5C