



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

Date : 17/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9874 of 2020

1.Vignesh
2.Thavamani

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
Crime No.1075 of 2020.

... Respondent/Complainant

For Petitioners: Mr.G.Karnan,
Advocate.

For Respondent : Mr.R.Saravana Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No. 1075 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1075 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have illegally transported one and half units of river sand by using Eicher Van. Hence, the present complaint.

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 and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that in respect of second petitioner, he is having one previous case of similar in nature. He further submitted that in respect of the first petitioner, there is no case pending against him.

6.In view of the submission made by the learned Government Advocate (Crl. Side) appearing for the respondent that the second petitioner is having one previous case of similar in nature and he is a habitual offender, this Criminal Original Petition is dismissed in respect of the second petitioner.

7.Insofar as the first petitioner is concerned, there is no previous case pending against the petitioner. Considering the above facts and circumstances of the case and the fact that there is no previous case pending against the first petitioner, I am inclined to grant anticipatory bail to the first petitioner with certain conditions.

8.Accordingly, the first petitioner is ordered to be released on anticipatory 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 Judicial Magistrate No.II, Thanjavur, on condition that the first 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:

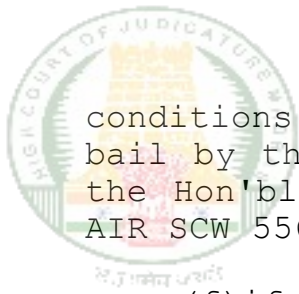
(a)the first petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police as and when required for interrogation.

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

(d)the first 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 first petitioner in accordance with law as if the



conditions have been imposed and the first 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/first petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/09/2020

/ TRUE COPY /

/ /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.
- 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.9874 of 2020
Date :17/09/2020

VSG
TK/PN/SAR.2/21.09.2020/3P/5C