



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

Date : 04/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.14047 of 2020

Saritha

...Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.1382 of 2020)

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For an Anticipatory bail in Crime No.1382 of 2020 on the file of the Respondent Police.

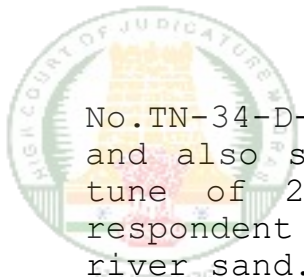
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 of IPC r/w Section 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act 1957, in Crime No.1382 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused are said to have illegally transported three units of river sand. The accused was having valid permit for two units of sand but they transported three units of river sand. Hence, the case 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 there are totally three accused, in which the petitioner is arrayed as A3. She is the owner of the vehicle bearing Registration



No.TN-34-D-3915. In the said vehicle already the permit was granted and also she had valid permit to transport the river sand to the tune of 2 units. Now a false case has been foisted by the respondent alleging that the lorry was in possession three units of river sand.

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5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the owner of the lorry and she is arrayed as A3. The said lorry was in possession of three units of river sand without valid permit and transport permit.

6.It is seen that there are totally three accused, in which the petitioner is arrayed as A3. On perusal of the transport permit, the petitioner's lorry is having permit to transport the river sand on 13.08.2020 for two units. Whereas the respondent found that there was three units of river sand. However, the petitioner is the owner of the lorry and even according to the case of the prosecution that the first and the second accused transported three units of river sand instead of two units without valid permit.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m. without fail, for a period of Two Weeks and thereafter 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 or the Judicial 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/-
04/12/2020

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

ORDER
IN
CRL OP(MD) No.14047 of 2020
Date : 04/12/2020

MS/JC/SAR-2/10.12.2020/3P.5C