



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

Date : 01/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.385 of 2021

1.Ravi @ Ravikumar
2.Vijayalakshmi

... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.1388/2020.

... Respondent/Complainant

For Petitioners: Mr.S.P.Prabakaran,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1388 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending 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 Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1388 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 13.10.2020, the petitioners were said to have illegally transported three units of river sand by using Mahindra Bolero Pickup bearing Registration No.TN 61 A 0220. Hence, a case has been registered.

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



4.The learned counsel appearing for the petitioners submitted that the second petitioner is a house wife and she is the owner of the vehicle. He further submitted her husband viz., first petitioner/A1 is a driver and only on sentimental purpose, the vehicle was purchased in her name. Except that purpose, she is no way connected with the alleged occurrence. He further submitted that A1 has purchased the vehicle and used the same for hire. He further submitted that the petitioners are not having any bad antecedent. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners said to have illegally transported river sand. He further submitted that this is the second application and earlier anticipatory application was dismissed by this Court, dated 29.10.2020.

6.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner.

7.In view of the above, this Criminal Original Petition stands dismissed as withdrawn in respect of the first petitioner.

8.It is seen that earlier this Court dismissed anticipatory bail petition, in view of the order passed in Crl.O.P.No.13334 of 2020 etc., batch, dated 03.09.2020, in which, one of the batch cases, they had approached the Honourable Apex Court. The Honourable Apex Court while disposing the said case, observed that each of the cases to be individuality and there cannot be a blanket order, which directly affect the right of the petitioner.

9.Considering the facts and circumstances of the case and also considering the fact that the second petitioner is a lady and there is no previous case pending against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

10.Accordingly, the second petitioner shall draw a demand draft in favour of Dean, Thanjavur Government Hospital, for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** without prejudice to her rights and contentions before the trial Court. The second petitioner shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Thanjavur Government Hospital, the second 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, Pattukottai, Thanjavur District, on condition that the second 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 second 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 second petitioner shall report before the respondent police as and when required for interrogation.

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

(d) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/ second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/02/2021

/ TRUE COPY /

/ /2021
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,
PATTUKOTTAI, THANJAVUR DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

<https://hcservices.mca.gov.in/hcservices>



3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN
THANJAVUR GOVERNMENT HOSPITAL,
THANJAVUR.

+1 CC to M/s.S.P.PRABHAKARAN, Advocate (SR-627[I] dated 02/02/2021)

ORDER

IN

CRL OP(MD) No.385 of 2021

Date : 01/02/2021

VSG

TK/VR/SAR.4/09.02.2021/4P/7C