



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3085 of 2021

1. Sivakumar
2. Raja

... Petitioners/Accused Nos.3 & 5

Vs

State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
Crime No.118 of 2021.

... Respondent/Complainant

For Petitioners: M/s.R.Yamuna,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in crime No.118 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 and A5, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.118 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused persons were said to have illegally transported river sand by using lorry. Hence, a complaint has been registered.

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. 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 there is no previous case pending against the petitioners.

6.On perusal of the materials available on records, it is seen that the sand quarried from the property of one Raja, who is the second petitioner herein and the photographs have also been produced before this Court to that effect.

7.Considering the facts and circumstances of the case and also considering the quantity of sand and fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners shall jointly draw a demand draft in favour of Dean, Thanjavur Medical College Hospital, for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Thanjavur Medical College Hospital, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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;

5560]; and

can be registered under Section 229-A IPC.

sd/-

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

COPY TO:

THE DEAN,

+1 CC to M/s.R.YAMUNA, Advocate (SR-1552[I] dated 26/02/2021)

ORDER

IN

CRL OP (MD) No.3085 of 2021

Date : 26/02/2021

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