



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

Date : 10/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3603 of 2021

1.Robin
2.Ranjith

... Petitioners/Accused No.1 & 2

Vs

The State Rep.by,
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No. 127 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Elumalai,
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.127 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under section 379 of
I.P.C. and Section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957, in Crime No.127 of 2021 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally
transported half unit of river sand by using bullock cart. 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 have not committed any offence as alleged by
the prosecution and they have been falsely implicated in this case.



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 there is no previous case pending against the petitioners.

6.On perusal of the materials available on record, it is seen that the petitioners' father has been arrayed as accused in Crime No.126 of 2021. The date of occurrence is on 26.02.2021 at about 04.00 a.m., and his bullock cart was seized at Thiruvaiyaru Vadakku Veethi. As regards this case is concerned, the petitioners are sons of Nepoliean. They said to have transported half unit of river sand by using bullock cart and when the respondent police was in patrolling duty, the petitioners are caught by the respondent on the same day at about 06.00 a.m., at Thiruvaiyaru Police Station.

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

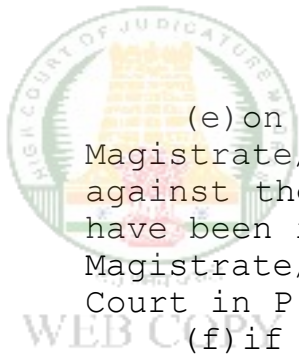
8.Accordingly, the petitioners shall draw a demand draft in favour of Dean, Thanjavur Medical College Hospital, for a sum of **Rs.10,000/- (Rupees Ten thousand only)** each without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance/submission of Demand Drafts 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, Thiruvaiyaru, Thanjavur District, 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 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 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/03/2021

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

COPY TO : THE DEAN, THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR

ORDER

IN

CRL OP(MD) No.3603 of 2021

Date : 10/03/2021

(1/2)

IAS

PK/JC/SAR-III/15.03.2021 : 3P/6C