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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6613 of 2021

1. Sudarmani  
2. Kannan

... Petitioners/Accused Nos. 1 & 2

Vs

The State Rep.by  
The Inspector of Police,  
Pattukottai Taluk Police Station,  
Thanjavur District.  
Crime No. 84 of 2021.

... Respondent/Complainant

For Petitioners : Mr.D.R.Murugesan,  
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.84 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 379 IPC and read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, seek Anticipatory Bail.

2.The case of the prosecution is that the petitioners have illegally transported 1 unit of river sand through the vehicle John Deere Tractor Engine No.PY3029D450994 without valid permission from the authorities.

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



4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners had illegally transported unit of river sand without valid permission.

6.Taking into consideration the facts and circumstances of the case and also fact that the sand and the vehicle were seized, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Pattukottai, Thanjavur District and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity.

[b]the petitioners are directed to deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c] the petitioners shall report before the respondent police on the first working day of every English Calendar month, at 10.30 a.m., until further orders.

[d]the petitioners shall not abscond either during investigation or trial.

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners 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]**.



[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
12/05/2021

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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, NO I,  
PATTUKOTTAI, THANJAVUR DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM
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 OFFICER INCHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
SECRETARIAT, CHENNAI - 9.

ORDER  
IN  
CRL OP(MD) No.6613 of 2021  
Date : 12/05/2021

VRN  
AE/MNR/SAR-IV/20.05.2021/3P/6C