



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

WEB COPY

PRESENT

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

CRL OP(MD) . No.6683 of 2021

1. Sathasivam
2. Varatharaj
3. Murugaiya

... Petitioners/Accused
Rank Not Known

Vs

The State rep by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Cr.No. 122 of 2021.

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran ,
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.122 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.122 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally transported ½ unit of river sand without valid permission from the authorities.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been lodged against them and they pray for anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit the petitioners had illegally transported ½ unit of river sand in TATA ACE vehicle. He further submitted that the sand and the vehicle were seized by the respondent police.

5. 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.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Orathanadu, 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.6,000/- (Rupees Six 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 his 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 petitioners 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

/ 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, ORATHANADU,
THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVONAM 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.6683 of 2021
Date : 12/05/2021

VB VR SAR IV(20/05/2021) 3P / 6c