



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

Wednesday, the Twelfth day of May Two Thousand and Twenty One

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PRESENT

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

CRL OP (MD) No.6698 of 2021

1. Senthil Cp @ Senthil Kumar
2. Ragupathi

... Petitioners/Accused No.3&4

Vs

The State rep.by,
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
Crime No.136 of 2021

... Respondent/Complainant

For Petitioner : Mr.Karunakaran K.M,
Advocate.

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

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

PRAYER :-

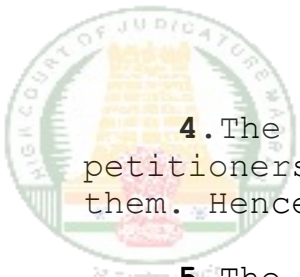
For Anticipatory bail in Crime No.136 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 21(1) of Mines and Minerals Development and Regulation (MMDR) Act r/w. Section 379 I.P.C., in Crime No.136 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3.The case of the prosecution is that on 28.03.2021, the petitioners have illegally transported one unit of river sand in Mahindra Nissan Van. Hence, the complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the quantity of sand involved is one unit and therefore, he strongly opposes to grant anticipatory bail to the petitioners.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, 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 learned Judicial Magistrate, Pattukottai, Thanjavur District and on their executing 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 learned Magistrate concerned and on further conditions 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 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 first working day of every Month at 10.30 a.m., until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond 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**



(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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, PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ADIRAMAPATTINAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,
IOB, SECRETARIAT BRANCH, CHENNAI-9
(ACCOUNT NO.11720 10000 00070, IFSC CODE: IOBA0001172),

ORDER
IN
CRL OP(MD) No.6698 of 2021
Date :12/05/2021

MRN/VSD
CSL/MNR/SAR-IV/20.05.2021 : 3P/6C