



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

Date : 17/06/2021

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PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.7867 of 2021

Siranjivi

... Petitioner/Accused  
Rank Not Known

Vs

The State rep.by,  
The Inspector of Police,  
Thiruvonam Police Station,  
Thanjavur District.  
Crime No.346/2021

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,  
Advocate

For Respondent : Mr.E.Antony Sahaya Prabakar,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.346/2021 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w.Section 21(1) of Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.346 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 06.06.2021 the petitioner along with other accused persons said to have illegally transported four units of savudu sand without any valid permission using JCB. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co- accused in this case were



granted bail and anticipatory by this Court, hence he seeks anticipatory bail.

4.The learned Additional Public Prosecutor opposed the petition on the ground that the investigation is not yet completed. However, he fairly conceded that some of the co-accused in this case were granted bail and anticipatory bail by this Court.

5. Considering the facts and circumstances of the case and the fact that the co-accused have been granted bail and anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Orathanadu, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

**[a]**the petitioner 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 petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

**[c]**the petitioner shall report before respondent police, daily at 10.30 a.m., until further orders;

**[d]**the petitioner shall not tamper with evidence or witness either during investigation or trial;

**[e]**the petitioner 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 petitioner 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]**;

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

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sd/-  
17/06/2021

/ /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 AT KUMBAKONAM.
- 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 IN CHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND,  
GOVERNMENT OF TAMIL NADU,  
SECRETARIAT, CHENNAI-9

ORDER  
IN  
CRL OP(MD) No.7867 of 2021  
Date :17/06/2021

AAV  
TK/PN/SAR.4/17.06.2021/3P/6C