



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

Date : 22/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD)No.9708 of 2021

Sathiskumar @ Gundu Sathish ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
Crime No.90 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.SIVARAJA, Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate(Crl.side)

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

PRAYER :-

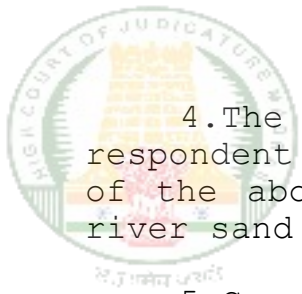
For Anticipatory Bail in Crime No.90 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC r/w Section 21(4) of the Mines and Minerals(Development & Regulations)Act, 1957 in Crime No.90 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 25.01.2021, at about 05.00 am., when the Police party in patrol duty, they found an unregistered Balero Maxi Truck Plus at Boodatlur bridge near Pari Colony. On seeing them, the driver of the said vehicle escaped from there. On search, it was found that the vehicle was contained ½ unit of river sand without any valid permission.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner is owner cum driver of the above said vehicle and he illegally transported ½ unit of river sand without permission.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall not indulge in similar offence in future. If the petitioner is repeated the same offence, the anticipatory bail granted now, will be cancelled automatically.

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 No.II, Thiruvaiyaru, 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 shall make a non-refundable deposit for a sum of Rs.5,000/- **(Rupees Five 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),** within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Thiruvaiyaru, Thanjavur District.

[c]the petitioner shall report before respondent police daily at 10.30 am., 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.

sd/-

22/07/2021

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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.II
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
IOB, SECRETARIAT BRANCH,
CHENNAI-9.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER

IN

CRL OP(MD) No.9708 of 2021

Date :22/07/2021

SA/SRS/SAR.3/26.07.2021/3P/6C