



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

Date : 09/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10745 of 2021

WEB COPY

1. Muthukumar,
S/o.Subbaiyan,
No.1, Arsuthividuthi,
Thoppuviduthi,
Orathanadu Taluk,
Thanjavur District.

2. Suresh,
S/o.Selvaraj,
2/250, Elaikanividuthi,
Therkupatti,
Karambakurichi Taluk,
Pudukottai District.

... Petitioners/Accused

Vs

The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District
Crime No.413/2021.

... Respondent/Complainant

For Petitioner : M/s. Ebenezer.T.A,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.413 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 alleged offences punishable under Section 379 IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, in Crime No.413 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first accused in this case is constructing a house, for which, he procured 90 units of river sand and 60 units of gravel soil and stored in front of the



stated that he has purchased the said materials through these petitioners.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is almost completed and no previous case is pending against these petitioners.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that the petitioners have not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall pay 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 learned Judicial Magistrate, Orathanadu.

6.On production of such receipt/acknowledgement, the petitioner is 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, Orathanadu, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required for interrogation.

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

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

[e]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]**.

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

sd/-

09/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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.
2. Do-Through The Chief Judicial Magistrate,
Thanjore 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
Government of Tamil Nadu
Chief Minister Public Relief Fund
Secretariat, Chennai-9.

ORDER

IN

CRL OP(MD) No.10745 of 2021

Date : 09/08/2021

CN(18.08.2021) 3P 6C