



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

Date : 05.08.2021

PRESENT

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**The Hon'ble Mr.Justice B.PUGALENDHI**

CRL OP(MD)No.10498 of 2021

1. Sivamaran
2. Veeraprakash
3. SenthilKumar
4. Karthikeyan

... Petitioners/Accused No.2 to 5

**Vs**

The State Rep. by,  
The Inspector of Police,  
Ammamet Police Station,  
Thanjavur District.  
(Crime No.804 of 2021)

... Respondent/Complainant

For Petitioners: Mr.M.Subash Babu,  
Advocate

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

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

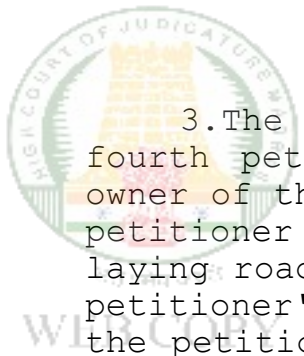
**PRAYER :-**

For Anticipatory Bail in Crime no.804 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 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.804 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 20.07.2021, the accused had illegally transported red sand from the land in S.No.319-1B1, Pulavarnatham Village by using JCB bearing Registration No.TN 49 AQ 2930 and two tractors without valid permit. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the fourth petitioner, who is the fifth accused in this case is the owner of the land in S.No.319-1B1, Pulavarnatham Village. The first petitioner has been awarded contract under NABARD scheme and for laying roads, they have taken two units of red sand from the fourth petitioner's patta land, for which, the case has been lodged, as if, the petitioners have transported red sand without any valid permit. Further, he also submitted that the petitioners have no previous case.

4.The learned Government Advocate(Crl.side), on instructions, would submit that no other case of similar nature is pending against the petitioners.

5.The learned Government Advocate (Criminal Side) is not disputing the fact that the first petitioner has been awarded contract under NABARD scheme and the fourth petitioner is the owner of the land in S.No.319-1B1, Pulavarnatham Village. Considering the above facts and that the petitioners have no previous case of similar nature, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are 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 Judicial Magistrate, Papanasam 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, until further orders.

[c]the petitioners shall not tamper with 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/-  
05/08/2021

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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,  
PAPANASAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
AMMAPET POLICE STATION,  
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to Mr.M.SUBASH BABU, Advocate (SR-5187[I] dated 06/08/2021)

ORDER  
IN  
CRL OP(MD) No.10498 of 2021  
Date :05/08/2021

USK/JM/SAR-III : 18/08/2021 : 3P/6C