



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 07/09/2021  
PRESENT

WEB COPY

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

CRL OP(MD). No.13013 of 2021

1.Balasubramaniyan  
2.Subbিরamanian

... Petitioners/Accused (Rank Not Known)

**Vs**

The State rep.by  
The Inspector of Police,  
Orathanadu Police Station,  
Thanjavur District.  
Crime No.509 of 2021.

... Respondent/Complainant

For Petitioners : Mr.M.PITCHAI MUTHU,  
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

For Anticipatory bail in Crime No.509 of 2021 on the file of the Respondent police.

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

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.509 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported one unit of kanmai sand by using two tipper lorries. Hence, the present case has been registered.

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 petitioners had transported one unit of kanmai sand illegally in tipper lorries. He further submitted that there is no previous case pending against the petitioners.



5.Considering the nature of mineral involved and the antecedents of the petitioners, 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 Court, Orathanadu, Thanjavur District, on condition that the petitioners 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 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 daily at 10.30 am., until further orders.

[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/-

07/09/2021

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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,  
ORATHANADU POLICE STATION,  
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER**

**IN**

CRL OP(MD) No.13013 of 2021

Date :07/09/2021

SA/VR/SAR.2/28.09.2021/3P/5C