



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.13568 of 2021

- 1.Surya
S/O.Chithiravelu
 - 2.Sambathkumar,
S/O.Gunasekar
 - 3.Vignesh
S/O.Chithiravelu
 - 4.Jeyakumar
S/O.Duraiaraj
 - 5.Vaiyapuri
S/O.Maruthaiyan
- ... Petitioners/Accused 1 to 5

Vs

State rep by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.785 of 2021) ... Respondent/Complainant

For Petitioners : M/s.T.Mahendren, 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.785 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 offence punishable under Section 379 IPC r/w Sections 21(4) of the Mines and Minerals (Development and Regulation) Act, in Crime No.785 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have transported one unit of sand in tipper lorry and therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. However, the petitioners in order to show their *bona fide*, are prepared to pay a sum of Rs.5,000/- each to the credit of the Chief Minister's Public Relief Fund.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioners have transported one unit of river sand and petitioner No.2 is having eight previous cases, of which, two cases are similar in nature and other petitioners have not involved in any offence.

5.Since petitioner No.2 is involved in several other cases, of which two cases are similar in nature, this court is not inclined to grant him anticipatory bail. Accordingly, this petition is dismissed insofar as petitioner No.2 is concerned.

6.Considering the nature of mineral, antecedent of petitioner Nos.1, 3, 4 and 5 their willingness to pay a sum of Rs.5,000/- each to the credit of the Chief Minister's Public Relief Fund, this Court is inclined to grant anticipatory bail to petitioner Nos.1, 3, 4 and 5.

7.Accordingly, this criminal original petition is allowed insofar as petitioner Nos.1, 3, 4 and 5 are concerned, on condition that petitioner Nos.1, 3, 4 and 5 each shall pay 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), without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Papanasam, Thanjavur District.

8.On production of such receipt / acknowledgment, petitioner Nos.1, 3, 4 and 5 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 learned



Judicial Magistrate, Papanasam, Thanjavur on condition that petitioner Nos.1, 3, 4 and 5 each 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] petitioner Nos.1, 3, 4 and 5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] petitioner Nos.1, 3, 4 and 5 shall report before the respondent police daily at 10.30 am., until further orders.

[c] petitioner Nos.1, 3, 4 and 5 shall not tamper with the evidence or witness either during investigation or trial.

[d] petitioner Nos.1, 3, 4 and 5 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 petitioner Nos.1, 3, 4 and 5 are 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/-
15/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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,
Ammapettai Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Chief Minister's Public Relief Fund,
Finance(CMPRF) Department,
Government of Tamil Nadu,Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD)No.13568 of 2021
Date : 15.09.2021

TR/SKN/SAR-III (22.09.2021) 4P 6C