



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

Date : 30/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14683 of 2021

Santhuru, ... Petitioner/Accused Rank Not Known

Vs

STATE REP BY

The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

Cr.No. 1043 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,
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.1043 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 offence punishable under Section 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulations) Act, in Crime No.1043 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of red sand by using a Tractor.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail. However, to show his bona fide, he is prepared



to pay a sum of Rs.10,000/- to the Chief Minister's Public Relief Fund.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police opposed for grant of bail on the ground that the petitioner is having two previous cases, out of which, one case is similar in nature.

5. Considering the nature of mineral involved the antecedent of the petitioner and his willingness to pay a sum of Rs.10,000/- to the Chief Minister's Relief Fund, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Thanjavur.

6. On production of such receipt/acknowledgement, 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, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 am., until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2021

WEB COPY

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

OGY

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,
Thanjavur.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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

ORDER IN
CRL OP(MD) No.14683 of 2021
Date : 30/09/2021

TR/JC/SAR-I(06.10.2021) 3P 6C

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