



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15190 of 2021

Kamalahasan

... Petitioner/Accused No.3

Vs

State Rep by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Crime No.656/2021

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate

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

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

PRAYER :-

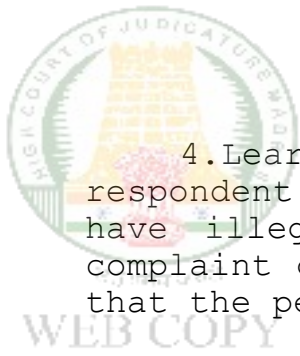
For Anticipatory Bail in Crime No.656 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.656 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner and other accused have illegally transported red sand in two lorries, without any valid permission. Hence, the complaint.

3.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. However, a false case has been foisted as against him and therefore, prays for grant of anticipatory bail.



4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner and other accused have illegally transported red sand in two lorries and on the complaint of the VAO, the case was registered. He further submitted that the petitioner is not having any previous case to his credit.

5.Considering the facts and circumstances of the case, nature of mineral involved and also the antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and 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 District, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

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

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

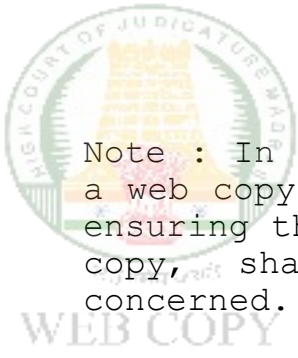
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
06/10/2021

/ TRUE COPY /

/ /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 No.II,
Thanjavur District.
2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP (MD)No.15190 of 2021
Date : 06.10.2021

TR/PN/SAR-II(12.10.2021) 3P 5C