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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15863 of 2021

1. S.Saminathan,

2. K.Murugesan, ... Petitioners/Accused No 1 & 2

Vs

State Rep by
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
(Crime No. 502/2020). ... Respondent/Complainant

For Petitioners: M/s.Kannan K,
Advocate.

For Respondent : Mr.Muthu Manickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 502 of 2020 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 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.502 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have illegally transported 2 bags of river sand each. Hence, the present case has been registered.



3.The learned counsel for the petitioners submitted that the petitioners are an innocent person and they have been falsely implicated in this case. However, to show their bona fide, the petitioner has come forward to pay a sum of Rs.1,000/- each.

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4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the the petitioners had transported 2 bags of river sand illegally. He further submitted that there is no previous case pending against the petitioners.

5.Considering the nature of mineral involved, the antecedents of the petitioner and their willingness to pay a sum of Rs.1,000/- each, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is allowed on condition that the each of the petitioner shall pay a sum of Rs.1,000/- (Rupees One 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 Judicial Magistrate No.III, Thanjavur.

6.On production of such receipt/acknowledgment, 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.III, Thanjavur on condition that each of 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 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., for a period of 30 days and thereafter, as and when required for interrogation.

[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 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

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TO

1. The Judicial Magistrate No.III, Thanjavur
2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Melattur Police Station, Thanjavur
District. (Crime No. 502/2020).
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.15863 of 2021
Date : 12/10/2021

TR/SKN/SAR-I (20.10.2021) 3P 6C