



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

Date : 15/11/2021

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.17641 of 2021**

1. Dineshkumar
2. Ayyappan
3. Rajesh

... Petitioners/Accused No.2,3 & 4

Vs

The State Rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.1091 of 2021).

... Respondent/Complainant

For Petitioners: M/s.Dhilipan Pandian R.L,
Advocate.

For Respondent : Mr.S.M.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

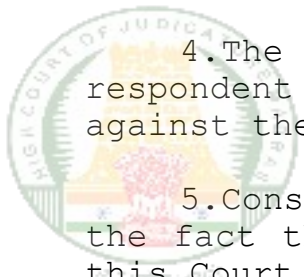
For Anticipatory Bail in Crime No.1091 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2, A3 and A4, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 379 of IPC and Section r/w 21(1) of Mines and Minerals
(Development and Regulation) Act, 1957, in Crime No.1091 of 2021, on
the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other
accused have illegally transported 1/4 unit of river sand by using a
Bullock Cart. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent and they have been falsely implicated in
this case. However, he would further submit that the petitioners
without prejudice to their right, are ready to deposit the amount
that may be imposed by this Court.



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that no previous case is pending against the petitioners herein.

5.Considering the fact and circumstances of the case and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of the District Mineral Foundation Trust, Thanjavur, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.II, Thanjavur District.

7.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 Judicial Magistrate No.II, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 a.m., for a period of one month 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.

sd/-
15/11/2021

/ TRUE COPY /



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

WEB COPY

1. THE JUDICIAL
MAGISTRATE NO.II, THANJAVUR DISTRICT.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR
DISTRICT.
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 IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST, THANJAVUR.

ORDER

IN

CRL OP (MD) No.17641 of 2021

Date : 15/11/2021

MGJ/VR/SAR II (19.11.2021) 3P 6C