



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.17696 of 2021

1. Dhanabal

2. Palanivel ... Petitioners/Accused No.1 & 2
Vs

The State Rep.by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Cr.No. 753 of 2021.) ... Respondent/Complainant

For Petitioners: M/s.Karunakaran K.M.,
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.753 of 2021 on the file of
the Respondent Police.

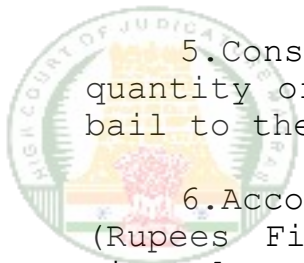
ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 21
(1) of Mines and Minerals (Development and Regulation) Act, r/w 379
of IPC in Crime No.753 of 2021, on the file of the respondent
police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have
illegally transported 1/2 unit of river sand by using two Bullock
Carts. 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 A1 is having two previous
cases similar in nature and A2 is concerned, no previous case is
pending against the petitioners herein.



5.Considering the fact and circumstances of the case and quantity of the sand, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, each petitioners shall pay a sum of Rs.5,000/- (Rupees Five 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, Pattukottai.

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, Pattukottai, 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

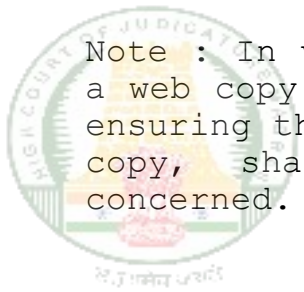
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/ /2021

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

DSS

<https://hcservices.ecourts.gov.in/hcservices/>



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

COPY TO:

The District Mineral Foundation Trust, Thanjavur

ORDER

IN

CRL OP(MD) No.17696 of 2021

Date :15/11/2021

RD/JM/SAR-IV (19.11.2021) 3P 6C