



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.19447 of 2021

Venkatesan

... Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Crime No.56 of 2021).

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran, Advocate.

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

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

PRAYER :-

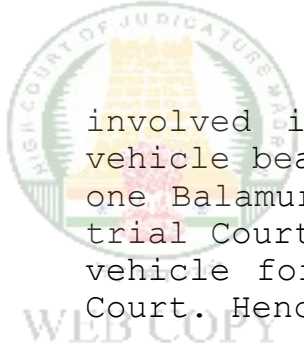
For Anticipatory Bail in Crime No. 56 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.56 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported two units of river sand without any valid permit in the TATA ACE vehicle bearing registration No. TN 27 04233. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this petitioner is not the present owner of the vehicle, allegedly



involved in the illegal transport of river sand, ie., TATA ACE vehicle bearing registration No. TN 27 04233. He sold the vehicle to one Balamurugan on 10.06.2021, who has moved application before the trial Court in CrI.MP.No.3828 of 2021, seeking an order to return of vehicle for interim custody and that was also granted by the trial Court. Hence, prays to release him on bail.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner is not having any previous case at his credit and the investigation is not yet completed. He would further submit that the petitioner has not submitted any documents to show the sale of vehicle, even though the sale was effected on 10.06.2021.

5.Considering the facts and circumstances of this case, that the petitioner is not having any previous case at his credit and that the petitioner is not the owner of the alleged vehicle, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Pattukottai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
09/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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,
PATTUKOTTAI .
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.19447 of 2021

Date : 09/12/2021

SP/JC/SAR IV/14/12/2021/3P/5C