



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

Date : 14/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19811 of 2021

WEB COPY

1. Chandrabose @ Bose,
2. Patwari @ Prabhu Doss Patwari,
3. Dineshkumar @ Dinesh, ... Petitioners/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
Boothalur Police Station,
Tanjavur District.
Crime No.256/2021.

... Respondent/Complainant

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

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

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

PRAYER :-

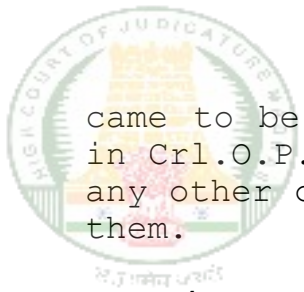
For Anticipatory Bail in Crime No.256 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals Act in Crime No.256 of 2021 in Crime No.256 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 03.06.2021, the petitioners said to have illegally attempted to one unit of river sand by using Bolero Pickup bearing Registration No.TN-68-K-8312.

3. Even though the petitioner was granted anticipatory bail in Crl.O.P.(MD).No.7501 of 2021 by this Court on certain conditions, those conditions were not complied by the petitioners. Hence, they have filed Crl.M.P.(MD).No.7133 of 2021 seeking extension of time. There is no proper reasons have been stated, that petition was dismissed by this Court on 20.09.2021, with liberty to file a fresh petition, if so advised. Based upon which this petition



came to be filed. From the date of grant of the anticipatory bail in Crl.O.P.(MD).No.7501 of 2021, the petitioners are not involved in any other offence and no subsequent case has been registered against them.

4.Hence, this Court is inclined to grant anticipatory bail to the petitioners on the very same conditions imposed in Crl.O.P.(MD). No.7501 of 2021.

5.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with two sureties each for a likesum to the satisfaction of the concerned learned Magistrate, within a period of one month from the date of receipt of a copy of this order and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness 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]**; and

[f]if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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, 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,
THIRUVAIYARU.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE
BOOTHALUR POLICE STATION,
TANJAVUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-9327[I] dated 15/12/2021)

ORDER

IN

CRL OP(MD) No.19811 of 2021

Date :14/12/2021

SB/PN/SAR-II/21.12.2021/3P/6C