



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.249 of 2022

1. Prabu
2. Govindaraj

... Petitioner/1st & 2nd Accused

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Cr.No.1051/2021.

... Respondent/Complainant

For Petitioners: M/s.Mahendren T,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1051 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

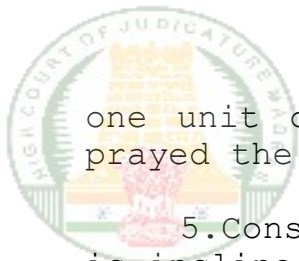
The petitioners/A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C. r/w 21(4) of Mines and Minerals Act, in Crime No.1051 of 2021 on the file of the respondent police, seek/s anticipatory bail.

2.The offence against the petitioners is sand theft. A case was registered in Crime NO.1051 of 2021.

3.On the side of the petitioners, it is stated that the allegation against the petitioners is that they have transported one unit of river sand. The petitioners are innocent and prayed the petitioners to be released on anticipatory bail.

4.On the side of the respondent, it is stated that the first petitioner is having two previous cases and the second petitioner is

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one unit of sand was seized by the respondent in a TATA 407 and prayed the petition to be dismissed.

5. Considering the submissions made on either side, this Court is inclined to grant anticipatory bail to the second petitioner only on the following stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed in respect of the second petitioner on condition that the second petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Cr.No.1051 of 2021 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District, on condition that the second petitioner shall execute 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 second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

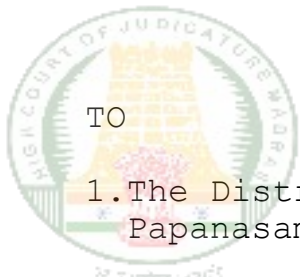
9. Considering the previous antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner and this Criminal Original Petition is dismissed in respect of the first petitioner.

sd/-
07/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
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



TO

- 1.The District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District.
- 2.Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.249 of 2022
Date :07/01/2022

RS/JC/SAR.2 (12.01.2022) 3P-5C