



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1499 of 2022

1. K.Dhanavel
2. S.Vetriselvan @ Vetri
3. K.Shakthikumar @ Saleem @ Gundu Boy
4. K.Veeraiyan ... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur.
(Crime No.1068 of 2021). ... Respondent/Complainant

For Petitioners: M/s.W.Pamelin, Advocate.

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

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

PRAYER :-

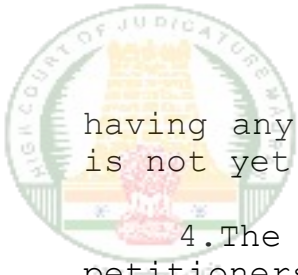
For Anticipatory Bail in Crime No.1068 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.1068 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported ½ unit of river sand without any valid permit in their bullock cart vehicles. Hence, the complaint.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner is having one previous case of similar nature and the other petitioners are not



having any previous case at their credit and that the investigation is not yet completed.

4.The learned counsel for the petitioners would submit that the petitioners are innocent, that the petitioners are the owners of the alleged vehicle.

5.Considering the facts and circumstances of this case, that the first petitioner is having previous case of similar offence and the other petitioner are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the second, third and fourth petitioners alone with certain conditions.

6.Accordingly, the second, third and fourth petitioners shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred 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.III, Thanjavur.

7.On production of such receipt/acknowledgment, the second, third and fourth petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.III, Thanjavur and on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and the second, third and fourth petitioners 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 second, third and fourth petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The second, third and fourth petitioners 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.

9.Considering the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed, with respect to first petitioner.

Sd/-
02/02/2022

/ 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 concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
3. THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1499 of 2022
Date :02/02/2022

SP/SBN/SAR IV/09/02/2022/3P/5C