



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.2071 of 2022

1. T. Kumar,

2. N. Krishnamoorthi, ... Petitioners/Accused No.2 & 3

Vs

The State Rep. by,
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No. 475 / 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

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

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

PRAYER :-

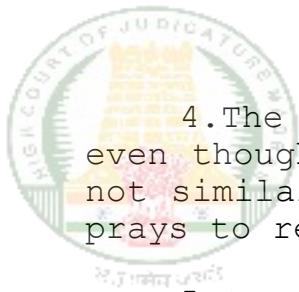
For the Anticipatory Bail in Crime No. 475 / 2021) on the file
of the Budalur Police Station, Thanjavur

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 and 21(1) of Mines and Minerals (Development & Regulations) Act,
1957, in Crime No.475 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had
illegally transported 1 unit of river sand without valid permission
in the vehicle. Hence, the complaint.

3.The learned Government Advocate (Crl.Side) appearing for the
respondent would submit that the second petitioner is not having any
previous case and the first petitioner is having previous case at
his credit and that the investigation is not yet completed.



4.The learned counsel for the petitioners would submit that even though the first petitioner is having previous case, but it is not similar in nature and that the petitioners are innocent. Hence, prays to release them on bail.

5.Considering the facts and circumstances of this case, that the first petitioner is not having previous case for similar offence and the second petitioner also not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.15,000/- (Rupees Fifteen 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 learned Judicial Magistrate, Thiruvaiyaru.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Thiruvaiyaru 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 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The 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.

sd/-
02/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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,
Thiruvaiyaru.
2. The The Chief Judicial Magistrate
Thanjavur District.
- 3.The Inspector of Police,
Budalur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officers Incharge,
The District Mineral Foundation Trust, Thanjavur

CRL OP(MD) No.2071 of 2022
Date :02/02/2022

KB/PN/S1(07.02.2022) 3P 6C