



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

Date : 17/03/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5025 of 2022

1. Viswanathan
2. Selvapandi
3. Deva

... Petitioners/Accused No.1 to 3

Vs

The State Rep. By,
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
Crime No. 42 of 2022.

... Respondent/Complainant

For Petitioner : M/s.V.Muthumani,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.42 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC (Sand Theft) in Crime No.42 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had attempted to transport river sand illegally. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners without prejudice to their right, are ready to deposit the amount that may be imposed by this Court.



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioners had attempted to transport river sand illegally. He would further submit that the first petitioner is having one previous case and the petitioners 2 and 3 are having no previous case.

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5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal and Sessions Court, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Sessions Judge concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram District, within a period of two weeks, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

[c]the petitioners shall report before respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/03/2022

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/ /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 PRINCIPAL AND SESSIONS JUDGE,
RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-2127[I] dated 17/03/2022)

ORDER
IN
CRL OP(MD) No.5025 of 2022
Date :17/03/2022

USK/PN/SAR-I/24.03.2022/3P/6C