



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.7879 & 7882 of 2022

Vimalathithan	...Petitioner/1 st Accused (in Crl.OP(MD)No.7879 of 2022)
Senthil	...Petitioner/2 nd Accused (in Crl.OP(MD)No.7882 of 2022)

Vs

State rep.by The Sub-Inspector of Police, Ammappettai Police Station, Thanjavur District. (Crime No.244 of 2022)	...Respondent/Complainant (in both Petitions)
--	--

For Petitioners: Mr.T.Mahendren, Advocate.
(in both Petitions)

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

PETITIONS FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.244 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.244 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that on 24.04.2022, the petitioners have illegally transported ½ unit of river sand each. 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, is ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have transported 1 unit of river sand illegally. He would further submit that the petitioner in CrI.O.P.(MD)No.7879 of 2022 is having two previous cases similar in nature and that the petitioner in CrI.O.P.(MD)No.7882 of 2022 is not having any previous cases.

5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner in CrI.O.P.(MD)No.7879 of 2022 shall deposit a sum of **Rs.17,500/- (Rupees Seventeen Thousand and Five Hundred only)** and the petitioner in CrI.O.P.(MD)No.7882 of 2022 shall deposit a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)** to the credit of the District Mineral Foundation Trust, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court No.2, Ammapettai, Papanasam.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.2, Ammapettai, Papanasam, 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 learned Magistrate 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

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

[d]the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

Sd/-

28/04/2022

/ TRUE COPY /

/ /2022

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

CSM

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.II,
AMMAPETTAI, PAPANASAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) . Nos.7879 &
7882 of 2022

Date :28/04/2022