



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8681 of 2022

1. S.Nithyanantham	... 1 st Petitioner/1 st Accused
2. A.Sankar	... 2 nd Petitioner/2 nd Accused

Vs

State Rep.by
The Special Sub Inspector of Police,
Ammappettai Police Station,
Thanjavur District.
(In Crime No.296/2021).

... Respondent/Complainant

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

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

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

PRAYER :-

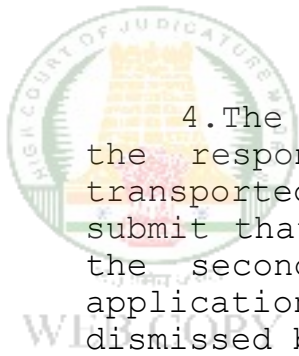
For Anticipatory Bail in Crime No.296 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused No.1 and 2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.296 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported one unit of river sand by using TATA 407 vehicle. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent 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 one unit of river sand illegally. He would further submit that the first petitioner is having three previous cases and the second petitioner has already filed an anticipatory bail application in Crl.OP(MD).No.11012 of 2021 and the same was dismissed by this Court.

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 first petitioner with certain conditions.

6.Accordingly, the first petitioner shall pay a sum of Rs.15,000/- (Rupees fifteen Thousand only) to the credit of the District Mineral Foundation Trust, Thanjavur District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.II, Ammapettai, Papanasam.

7.On production of such receipt/acknowledgment, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Ammapettai, Papanasam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

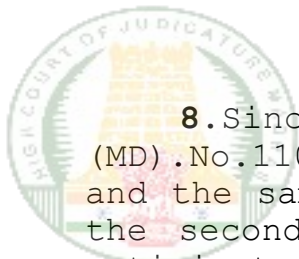
[a]the first petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner 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.

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

[d]the first petitioner 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 first petitioner, in accordance with law, as if the conditions have been imposed and the first petitioner 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]**.



8. Since the second petitioner, herein, had earlier filed Crl.OP (MD).No.11012 of 2021 seeking anticipatory bail before this Court and the same was dismissed, this Court is not inclined to entertain the second application and it is open to the petitioner to move anticipatory bail application before the same Court which dismissed the earlier anticipatory bail application. Accordingly, this criminal original petition is dismissed in respect of the second petitioner.

sd/-
05/05/2022

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

ORDER IN
CRL OP(MD) No.8681 of 2022
Date : 05/05/2022