



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9183 of 2022

1. Samikannu,

2. Thirupathi, ... Petitioners/Accused Nos.2 & 3

Vs

State Rep by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Crime No.145 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Laxman.K.R.,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

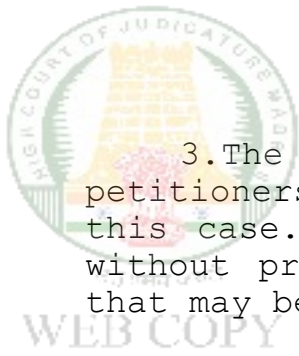
PRAYER :-

For Anticipatory Bail in Crime No.145 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.145 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported ½ units of Agni river sand by using bullock cart. 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, are ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners have transported ½ units of Agni river sand illegally and he opposed to grant anticipatory bail.

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 shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) each as non-refundable deposit to the credit of the Advocate Clerk's Association, Thanjavur-613001, (A/c No.179601000020910, IFSC : IOBA0001796), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Pattukkottai.

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 Judicial Magistrate, Pattukkottai, 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 respondent police on wednesday at 10.30 a.m., for a period of eight weeks 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]**.

sd/-
18/05/2022

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

RMK

TO

- 1.The Judicial Magistrate, Pattukkottai
- 2.Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
- 4.The Officer Incharge,
Advocate Clerk's Association, Thanjavur 613 001.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-4885[I] dated 20/05/2022)

ORDER
IN
CRL OP(MD) No.9183 of 2022
Date : 18/05/2022

TR/VR/SAR-IV(23.05.2022) 3P 7C