



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2022

PRESENT

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

CRL OP(MD). No.9401 of 2022

WEB COPY

1. Sridhar
2. Karan

... Petitioners/Accused No.1&2

Vs

State Rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.152 of 2022.

... Respondent/Complainant

For Petitioner : M/s.A.Arun Prasad,
Advocate.

For Respondent : M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.152 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at
the hands of the respondent police for the offence punishable under
Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development
and Regulation) Act 1957, in Crime No.152 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 unit of 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 unit of river sand illegally. He would further submit that the
second petitioner is having two similar previous cases.



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.15,000/- (Rupees Fifteen Thousand only) each as non-refundable deposit to the credit of 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 No.3, Thanjavur.

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 No.3, Thanjavur, 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

/ TRUE COPY /

/ /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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.3,
THANJAVUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
ADVOCATE CLERKS ASSOCIATION,
THANJAVUR-613001.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9401 of 2022
Date :18/05/2022

RS/PN/SAR.4 (23.05.2022) 3P-6C