



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.11057 of 2022

WEB COPY

1.Somasundaram
2.Subramani @ Subramaniam
3.Senthamil @ Senthamil Selvan ... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
Crime No.486 of 2022. ... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.486 of 2022 on the file of the Respondent Police.

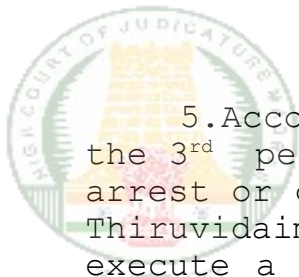
ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C. r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.486 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that without any valid permission, the petitioners were digging the land up to 3 ft., and illegally transported the Savudu sand by using JCB and Tipper vehicles. Hence, the complaint.

3.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners 1 and 2 are having 3 and 1 previous cases respectively. Insofar as the 3rd petitioner is concerned, no previous bad antecedents is reported against him.

4.Considering the nature of offence, the overt act attributed against the petitioners, this Court is inclined to grant anticipatory bail to the 3rd petitioner alone.



5. Accordingly, this Criminal Original Petition is allowed and the 3rd petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruvidadaimaruthur, on condition that the 3rd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the 3rd petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The 3rd petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The 3rd petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

29/06/2022

/ TRUE COPY /

/07/2022

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, THIRUVIDAIMARUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-6333[I] dated 29/06/2022)

ORDER IN

CRL OP(MD) No.11057 of 2022
Date :29/06/2022

RS/VR/SAR.3 (13.07.2022) 2P-6C

<https://www.mhc.tn.gov.in/judis>