



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15220 of 2022

1. Raju @ Arockiyaraj,
2. Sekar @ Chandrasekar,
3. Lakshmanan @ Lakshminarayanan ... Petitioners/Accused No. 1 to 3

Vs

State Rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District
(Crime No. 209 of 2022).

... Respondent/Complainant

For Petitioners : Mr.C.Senthil Murugan, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

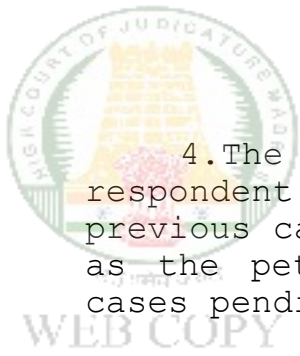
For Anticipatory Bail in Crime No. 209 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.209 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the petitioners have illegally transported $\frac{1}{4}$ unit of river sand by using the vehicle, namely Bullock Cart. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their *bona fide*, the petitioners have come forward to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Court in the file of Cr.No.209 of 2021 before the trial Court concerned.



4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the 2nd petitioner is having one previous case of similar in nature in Crime No.1736 of 2021. Insofar as the petitioners 1 and 3 are concerned, there are no previous cases pending against them.

5.Even though the learned counsel for the petitioners would submit that he is ready to file an undertaking affidavit on behalf of the 2nd petitioner, that cannot be accepted for the simple reason that after obtaining anticipatory bail in this case, the 2nd petitioner will once again indulge in similar activity. So, he is not entitled for the discretionary relief of anticipatory bail. However, considering the nature of the mineral involved, the antecedents of the petitioners 1 and 3 and their willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 alone.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioners 1 and 3 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.209 of 2022 before the learned Judicial Magistrate No.II, Thanjavur, without prejudice to their rights and contentions before the trial Court.

7.On such deposit being made, the petitioners 1 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioners 1 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 1 and 3 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 1 and 3 shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8.The petitioners 1 and 3 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 shall stand dismissed. Insofar as the 2nd petitioner is concerned, this petition stands dismissed.

sd/-

30/08/2022

/ TRUE COPY /

08/09/2022

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



MM

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,
THANJAVUR.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-9428[I] dated 01/09/2022)

ORDER

IN

CRL OP(MD) No.15220 of 2022

Date :30/08/2022

PKP/VR/SAR-2/08.09.2022/3P/6C