



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . Nos.15944 and 15984 of 2022

K.Sankaralingam

... Petitioner/1st Accused
in Crl.O.P. (MD) No.15944 of 2022

P.Duraisamy

... Petitioner/2nd Accused
in Crl.O.P. (MD) No.15984 of 2022

Vs

The State rep.by,
The Inspector of Police,
Thiruverambur Police Station,
Trichy,
in Crime No.145 of 2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : Mr.J.Selvin Rajesh, Advocate
for M/s.Dictum Law Firm,

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.145 of 2022 on the file of
the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 379
IPC and Section 21(4) of Mines and Minerals (Development and
Regulation) Act 1957 in Cr.No.145 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have
illegally transported two units of white sand without any valid
permit from the police, the complaint.

<https://www.mca.gov.in>



3. On the side of the petitioners, it is stated that the petitioners are having permit to transport M-sand. But the petitioners' vehicle was seized on the ground that the color of the sand was different and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that petitioners are not having permit to transport white sand and that the vehicle contains a sand in the color of white color, for which, the petitioner is having no permit and prayed the petition to be dismissed.

5. On the side of the petitioner, it is stated that the sand is only M-sand after being washed the color was different. The permit copy of the transit pass was annexed. The validity of the transit pass and the quality of the sand can be decided only at the time of trial.

6. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, these petitions are allowed and on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.145 of 2022 before the learned Judicial Magistrate No.VI, Tiruchirappalli, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

8. On production of such receipt, 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 learned Judicial Magistrate No.VI, Tiruchirappalli, on condition that the petitioners 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 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 daily at 10.30 a.m., for a period of two 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 be present before the Court on the dates and before the respondent police as and when required;

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/09/2022

/ TRUE COPY /

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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 VI
TRICHY.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUVERAMBUR POLICE STATION, TRICHY,

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

+2. CC to M/S.DICTUM LAW FIRM Advocate SR.No.9621 & 9622.

ORDER

IN

CRL OP(MD) No.15944 & 15984
of 2022

Date :05/09/2022

SJI

MK/VR/SAR.IV/12.09.2022/3P/7C