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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.16043 of 2022

1.Alaguraja
2.Sarathkumar
3.Mahadevan
4.Anand @ Sattanayagan

...Petitioners/Accused
Nos.1 to 4

Vs

State rep.by
The Inspector of Police,
Melatur Police Station,
Thanjavur District.
(in Crime No.109 of 2022).

... Respondent/Complainant

For Petitioners : Mr.R.Narayanan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.109 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 Sections 379 of IPC and Section 21(4) of Mines and Minerals Act in Cr.No.109 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have committed theft of 1/4 unit of river sand each, in bullock carts. A case in Crime No.109 of 2022 under Section 379 of IPC and Section 21(4) of Mines and Minerals Act was registered against the petitioners.



3. On the side of the petitioner it is stated that he is not pressing this petition in respect of petitioners 1 to 3/accused Nos. 1 to 3. A false case was foisted against the petitioner No. 4/accused No. 4 and pray the petitioner No. 4 to be released on anticipatory bail.

4. On the side of the respondent it is stated that there is no previous case against Accused No. 4 and that the case is that A4 along with three others have transported 1/4 unit of river sand in bullock carts.

5. Considering the submissions made by both sides, considering the fact that the petitioner 4 is not having any previous case and considering the nature of the case, this petition against petitioners 1 to 3 is dismissed as not pressed and this Court is inclined to release the petitioner 4 on anticipatory bail on the following conditions:

6. Accordingly, this petition is allowed and on condition that the petitioners 2 to 4 shall pay a sum of Rs. 4,000/- (Rupees Four Thousand only) each to the credit of Crime No. 109 of 2022 before the learned Judicial Magistrate, Papanasam, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioners 2 to 4 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, Papanasam, Thanjavur District, on condition that the petitioners 2 and 4 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 2 and 4 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 2 and 4 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 2 and 4 shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 2 and 4 shall be present before the Court on hearing 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 petitioners 2 and 4 in accordance with law as if the



conditions have been imposed and the petitioners 2 and 4 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/-
06/09/2022

/ TRUE COPY /

/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
MELATUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. NARAYANAN R Advocate SR.No.9682

ORDER
IN
CRL OP(MD) No.16043 of 2022
Date :06/09/2022

SP/SVR/SAR I/14/09/2022/3P/6C