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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16616 of 2022

- 1.Radharavi
(FIR mentioned as Ravi)
S/o. Govindan,
(Wrongly mentioned in FIR as Govindaraju)
- 2.Rajendran
S/o. Govindan,
(Wrongly mentioned in FIR as Govindaraju)
... Petitioners/Accused Nos.1 and 2

Vs

State Rep.by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District,
(In Crime No.450 of 2022) ... Respondent/Complainant

For Petitioners: Mr.R.Balamuruganatham, 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.450 of 2022 on the file of the respondent Police.

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 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 of IPC in Cr.No.450 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the each petitioner illegally transported 1/4 unit of river sand in a bullock cart. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case and prayed the petitioners to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that there are two accused in this case. They have transported totally two units of river sand in a bullock cart. The petitioner are not having any previous cases.

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

6.Accordingly, these petitions are allowed and on condition that the petitioners shall pay a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) each, to the credit of Crime No.450 of 2022 before the learned Judicial Magistrate Court, Peravurani, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

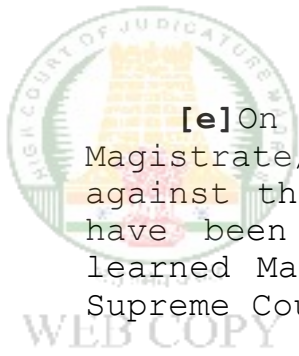
7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Peravurani, Thanjavur District, on condition 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 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 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/-
15/09/2022

/ TRUE COPY /

/09/2022

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

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

+1 CC to M/s.R.BALAMURUGANATHAM, Advocate (SR-10048[I] dated 15/09/2022)

ORDER
IN
CRL OP(MD) No.16616 of 2022
Date :15/09/2022

PKP/SBN/SAR-1/21.09.2022/3P/6C