



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

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17113 of 2022

Rajesh @ Rakesh

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
Thanjavur Taluk Police Station,  
Thanjavur District.  
Crime No.275 of 2022.

... Respondent/Complainant

For Petitioner : Mr.B.Deepak,Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.275 of 2022 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

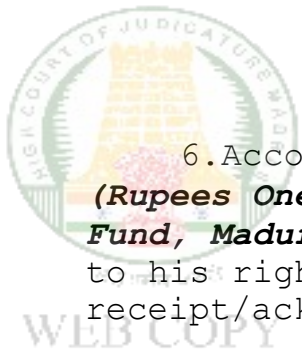
The petitioner/Accused, who apprehend arrest at the hands of  
the respondent police for the offences punishable under Section 379  
of IPC r/w Section 21(1) of Mines and Minerals (Development and  
Regulation) Act 1957, in Crime No.275 of 2022 on the file of the  
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused had illegally  
transported  $\frac{3}{4}$  unit of river sand, without any valid permit. Hence,  
the complaint.

3.On the side of petitioner, it is stated that the petitioner  
is innocent and he has not committed any offence as alleged by the  
prosecution. He would further submit that the petitioner shall abide  
any condition imposed by this Court.

4.On the side of prosecution, it is stated that the accused had  
transported mineral illegally and hence, strongly opposed to grant  
anticipatory bail.

5.Considering the facts and circumstances of the case and also  
considering the nature of the offence alleged, this Court is  
inclined to grant anticipatory bail to the petitioner with certain



6. Accordingly, the petitioner shall deposit a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Advocate Clerk's Welfare Fund, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Thanjavur, on condition that the 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 on further conditions that:

[a] the petitioner 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 petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[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 petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
23/09/2022

/ TRUE COPY /

/09/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.II,  
THANJAVUR.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR 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.

COPY TO

THE OFFICER INCHARGE,  
ADVOCATE CLERK'S WELFARE FUND,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.M/S.DEEPAK B, Advocate ( SR-10471[I] dated 23/09/2022 )

ORDER

IN

CRL OP(MD) No.17113 of 2022

Date :23/09/2022

PNM

PKP/GB/SAR-2/29.09.2022/3P/7C