



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.17354 of 2022

1. Kadar Mahideen
2. Nataraj @ Natarajan

... Petitioners/Accused
No.4 & 5

Vs.

State rep.by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.633 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Karunakaran K M, Advocate

For Respondent : Mr.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

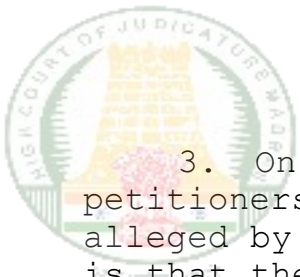
PRAYER :-

For Anticipatory Bail in Crime No.633 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w 4(1), 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.633 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 11.09.2022, the accused persons were found in possession of savadu sand, without any valid permit. Hence, the complaint.



3. On the side of the petitioners, it is stated that the petitioners are innocents and not committed any such offence, as alleged by the prosecution. The allegation against the petitioners is that they are present at the place of occurrence. No other overt act is attributed against the petitioners, only because the petitioners are the friends of A1, they were falsely implicated in this case. The prime accused-A1 was already released on bail in CrI.O.P.(MD)No.16935 of 2022, on 21.09.2022 and prayed the petitioners to be released on anticipatory bail.

4. On the side of prosecution, it is stated that petitioners are not any having previous case at their credit. However, it is fairly admitted that the co-accused was already released on bail and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the fact that there is no previous case against the petitioners and that the prime accused-A1 was already released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and on condition that each of the petitioners shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only) (totally Rs.10,000/-) to the credit of Headmistress, Panchayat Union Primary School, Madurai East (Account No.10111536270, IFSC Code: SBIN0002246, State Bank of India, Othakadai Branch, Madurai)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court.

7. On production of such receipt, the petitioners are ordered to be released on bail in the event of their 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, Thiruvidadaimaruthur, 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., until further orders.

[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 petitioners 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, FIR can be registered under Section 229-A IPC.

Sd/-

29/09/2022

/ TRUE COPY /

/10/2022

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

Ls

TO

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

COPY TO:

THE HEADMISTRESS, PANCHAYAT UNION PRIMARY
SCHOOL, MADURAI EAST.

+1. CC to M/S.KARUNAKARAN K M Advocate SR.No.10765

ORDER

IN

CRL OP(MD) No.17354 of 2022

Date :29/09/2022