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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.20515 of 2022

Vinoth ... Petitioner/Accused No.4

Vs.

State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.901 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R.L., Advocate

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

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

PRAYER :-

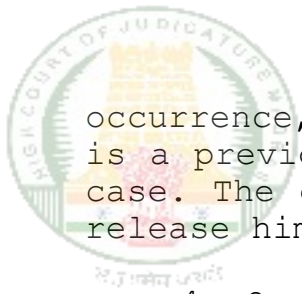
For Anticipatory Bail in Crime No.901 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.901 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.08.2022 the accused persons were found in possession of river sand, without valid permit. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is arrayed as A4, he is innocent and has not committed any such offence, as alleged by the prosecution. The allegation against the petitioner is that 3 person travelled in 3 two wheelers and that the petitioner accompanied one of the 3 persons and there was two bags of river sand in that vehicle. 3 Persons were arrested if at all the petitioner was present in the place of



occurrence, he would have been arrested by the police. Sir [REDACTED] is a previous case against the petitioner, he was impleaded in this case. The co-accused were already enlarged on bail. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that petitioner is having three previous cases at his credit, out of which, one case is similar in nature, one of the case is under Section 75 of TNCP Act, and another case is under Section 110 Cr.P.C and prayed to dismiss the petition.

5. It is seen that out of the three cases, one case is under Section 75 TNCP Act, another case is under Section 110 Cr.P.C and the other case which is similar in nature.

6. Considering the fact that all the accused were released on bail and also considering the fact that though the earlier petition was dismissed by this Court, on 14.09.2022, till now, the respondent has not taken any steps to arrest the petitioner, this Court is inclined to release the petitioner on anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this petition is allowed and on condition that the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.901 of 2022 before the Judicial Magistrate No.II, Thanjavur District, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

8. On production of such receipt, 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 District, 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 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/11/2022

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/12/2022

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 NO.II, THANJAVUR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20515 of 2022

Date : 22/11/2022

RK/SSS/SAR-1 (02/12/2022) 3P/5C