



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

WEB COPY

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD) . No.23221 of 2022

Sureshkumar

... Petitioner/Accused No.4

Vs

The State rep.by,  
The Inspector of Police,  
Thiruppanandhal Police Station,  
Thanjavur District.  
(Crime No.836/2021).

... Respondent/Complainant

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

For Respondent : Mrs.M.Aasha  
Government Advocate (Crl.Side)

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

PRAYER :-

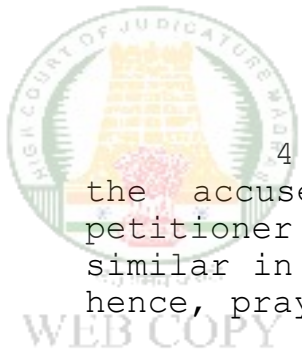
For Anticipatory Bail in Cr No.836/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.836 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 1 ½ units of river sand, without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that without prejudice to his rights and contentions, the petitioner is prepared to deposit an amount of Rs.25,000/- towards any charitable organization or association.



4.The learned Government Advocate (Crl.Side) submitted that the accused persons had transported mineral illegally. The petitioner is having six previous cases at his credit, which are similar in nature. In this case, investigation is still pending and hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the readiness of the petitioner to deposit amount in any Welfare Scheme, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner shall make a donation/non-refundable deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Madras High Court, Madurai Bench Advocates Clerk's Welfare Association (MHMBACWA), A/c No.496039124, IFSC Code - IDB000H040, Indian Bank, 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.

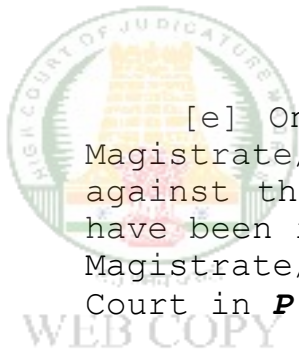
8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Thiruvidadaimaruthur**, on condition 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

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

[c] the petitioner shall not tamper with 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
28/12/2022

/ TRUE COPY /

29/12/2022

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

pnm/lr

TO

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

COPY TO

THE OFFICER IN CHARGE,  
THE MADRAS HIGH COURT,  
MADURAI BENCH ADVOCATES CLERK'S WELFARE ASSOCIATION (MHMBACWA),  
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate ( SR-15630[I] dated  
28/12/2022 )

ORDER  
IN  
CRL OP(MD) No.23221 of 2022  
Date :28/12/2022

RK/GB/SAR-3 (29/12/2022) 3P/7C