



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

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

CRL OP(MD) . No.23261 of 2022

WEB COPY

Sathiyamurthy

... Petitioner/Accused (Sole)

Vs

The State Rep. by,
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.970 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dhilipan Pandian R.L.,
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.970/2022 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(4) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.970 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported $\frac{1}{4}$ unit 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. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused had transported mineral illegally. The petitioner is having one previous case at his credit, which is not 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 minimum quantity involved in the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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 No. III, 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 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.



TO

1. THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23261 of 2022
Date :28/12/2022

USK/MMS/SAR-I/29.12.2022/3P/5C