



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1544 of 2023

1.Ayothiraman @ Baskar
2.Baskar

... Petitioners/Accused No.2 and 3

Vs .

The State, represented by
The Inspector of Police,
Kadayam Police Station,
Kadayam,
Thenkasi District
(Crime No.30 of 2023)

... Respondent/Complainant

For Petitioners : Mr.P.Ponraj, Advocate
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No. 30 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 2 and 3 who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C in Crime No. 30 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on raid it is found that 1 ½ unit of saral worth of Rs.2000/- was illegally transported in a Lorry and they seized the lorry. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would further submit that petitioners are ready to abide by any condition imposed by this Court. He prays for



grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners have illegally transported 1 ½ units of saral sand in a Lorry and the first petitioner/A2 is having 2 previous cases to his credit and he prays for dismissal of this application.

5. Heard. Perused the materials available on record including the First Information Report.

6. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court directs the petitioners to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

7. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners have no bad antecedent, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Ambasamuthiram, Thenkasi 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 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police Station every Monday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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 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 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]**; and;

[f] if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/01/2023

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/03/2023

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

CM

TO

1. The Judicial Magistrate,
Ambasamuthiram, Thenkasi District.

2. Do- through the Chief Judicial Magistrate,
Tirunelveli.

3. The Inspector of Police,
Kadayam Police Station,
Kadayam, Thenkasi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5. The Officer In-charge,
District Mineral Foundation Trust, Tenkasi District.

+1. CC to M/S. PONRAJ.P Advocate SR.No.1400

ORDER

IN

CRL OP(MD) No.1544 of 2023

Date :27/01/2023

ED(06.02.2023) 3P 7C

<https://www.mhc.tn.gov.in/judis>