



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

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The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.4275 of 2023

1.Alaguraja
2.Mahadevan

... Petitioners/Accused Nos.1 and 3

Vs.

The State represented by,
Inspector of Police,
Melatur Police Station,
Thanjavur District
(Crime No. 109 of 2022).

... Respondent/Complainant

For Petitioners : Mr.R.Narayanan
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 Crime No. 109 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC and 21(4) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.109 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have committed theft of $\frac{1}{4}$ unit of river sand each, in bullock carts. A case in Crime No.109 of 2022 under Section 379 of IPC and Section 21 (4) of Mines and Minerals (Development and Regulation) Act was registered against the petitioners. Hence, the complaint.

3. On the side of the petitioners, it is stated that this Court vide order dated 06.09.2022 in Crl.O.P.(MD)No.16043 of 2022, has granted anticipatory bail to the co-accused/accused nos.2 and 4 and prayed the petitioners to be released on anticipatory bail.

4. On the side of prosecution, it is stated that there are two previous cases against first petitioner/first accused and one previous case against the second petitioner/third accused and that the case is that the accused nos.1 and 3 with two others have transported $\frac{1}{4}$ unit of river sand in bullock carts.



5. Considering the nature of the case and also considering the fact that co-accused were already released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, this petition is allowed and this Court directs the petitioners to deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of Crime No.109 of 2022, before the learned Judicial Magistrate, Papanasam, Thanjavur District.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Papanasam, Thanjavur District, within a period of fifteen days from the date of receipt of a copy of this order, on condition that the petitioners 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders;

(c) the petitioners shall not tamper with 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]**; and;

(f) if the accused thereafter absconds, FIR can be registered under Section 229-A IPC.

sd/-

07/03/2023

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



2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MELATUR POLICE STATION, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to R.NARAYANAN Advocate SR.No.13518(F)

ORDER
IN
CRL OP(MD) No.4275 of 2023
Date :07/03/2023

SS/SAR II/14/03/2023/3P/6C