



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8509 of 2023

Chellapandi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Cr.No.245/2023.

... Respondent/Complainant

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

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

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

PRAYER :- For Anticipatory Bail in Crime No. 245/2023 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 Section 379 I.P.C r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.245 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused person had illegally transported ¼ unit of river sand, without any valid permit, in the vehicle. Therefore, the present case came to be registered.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is not having any previous case at his credit. However, to show his *bona fide*, the petitioner has come forward to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.245 of 2023 before the trial Court concerned.

4. On the side of prosecution, it is stated that the petitioner has transported the river sand illegally. He further



submitted that there is no previous case pending against the petitioner herein.

5. Considering the nature of the mineral involved, there is no previous case pending against the petitioner and his willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Cr.No.245 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

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

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]**; and;



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

sd/-
04/05/2023

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/ TRUE COPY /

/05/2023

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

PNM

TO

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

+1. CC to M/S. K.SUYAMBULINGABHARATHI Advocate SR.No.25119 (F)
Dt.04/05/2023.

ORDER

IN

CRL OP(MD) No.8509 of 2023
Date :04/05/2023

SA/MMS/SAR.1/05.05.2023/3P/6C