



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9456 of 2023

WEB COPY

Jamun Ali

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.161 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Murugesan.D.R,
Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.161 of 2023 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 I.P.C. and Section 21(1) of the Mines and Minerals Act, 1957, in Crime No161 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused had attempted to take alluvial soil from Ayyanarkulam Periya Aeri by using the petitioner's tractor. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner got permission from the Tahsildar, Peravurani, his proceedings Na.Ka.No.1626-023-Aa3, dated 12.05.2023 for taking sand from Periya Aeri from 16.05.2023 to 18.02.2023.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is not having previous case. He would further submit that permission for carrying sand is granted only in favour of Kumar. But, the said Kumar



engaged the petitioner for taking sand. The accused transported sand worth about Rs.2,000/-.

5. Considering the facts and circumstances of the cases, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as non-refundable deposit to the credit of the Chairman / District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Peravurani, Thanjavur District.

7. 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 of receipt of a copy of this order, before the Judicial Magistrate, Peravurani, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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/-
24/05/2023

/ TRUE COPY /

/06/2023

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



1. The Judicial Magistrate,
Peravurani.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.
3. The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.9456 of 2023
Date : 24/05/2023

RS/SSS/SAR-/02.06.2023/3P/5C