



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

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10397 of 2023

1. U.Rajendran

2. S.Senthil

3. K.Karunanithi

... Petitioners / Accused No.1 to 3

Vs

The State rep by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(Crime No.537 of 2023.)

... Respondent / Complainant

For Petitioners: M/s.Dhilipanpandian R.L., Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

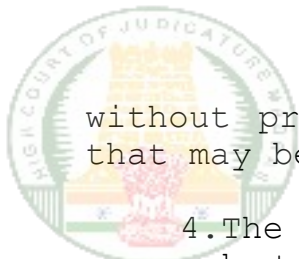
For Anticipatory Bail in Crime No.537 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.537 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported ¾ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in the case. However, he would further submit that the petitioners



without prejudice to their right, are ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioners have transported $\frac{3}{4}$ unit of river sand illegally. He would further submit that no previous case is pending against the first petitioner. Insofar as the second petitioner is concerned, he is having 3 previous cases in similar nature. The third petitioner is concerned, he is having 1 previous case in similar nature.

5.Considering the facts and circumstances of the case and also considering the bad antecedent of the second petitioner, this Court is not inclined to grant anticipatory bail to him. However, considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 with certain conditions.

6.Accordingly, the first petitioner shall pay a sum of **Rs.5,000/-** (Rupees Five Thousand only) and the third petitioner shall pay a sum of **Rs.10,000/-** (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court, Papanasam, Thanjavur District.

7.On production of such receipt/acknowledgment, the petitioners 1 and 3 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 of receipt of a copy of this order, before the Judicial Magistrate Court, Papanasam, Thanjavur District, on condition that the petitioners 1 and 3 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 learned Magistrate concerned and on further conditions that:

[a]the petitioners 1 and 3 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 petitioners 1 and 3 shall report before respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners 1 and 3 shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 1 and 3 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 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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 229-A IPC.

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sd/-
13/06/2023

/ TRUE COPY /

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

DAS

To

1.The Judicial Magistrate,
Papanasam, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Ammamet Police Station,
Thanjavur District.

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

Copy to:

The Chairman / District Collector,
District Mineral Foundation Trust,
Thanjavur District.

ORDER
IN
CRL OP(MD) No.10397 of 2023
Date :13/06/2023

ED/BUC/SAR- (19/06/2023) 3P 6C