



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.06.2023

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11984 of 2023

1.Palanisamy

2.Sundharraj ... Petitioners/Accused Rank not Known

Vs

The State represented by,
The Inspector of Police,
Vallam Police Station,
Vallam,
Thanjavur District.
(Crime No.221 of 2023).

... Respondent/Complainant

For Petitioners: Mr.J.Parekh Kumar

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

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

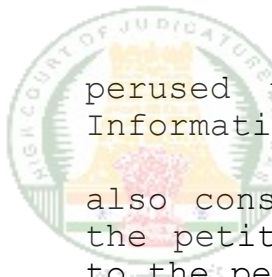
PRAYER :-

For Anticipatory Bail in Crime No.221 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.221 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.05.2023 at about 06.30 p.m in Vallam-Orathanadu Road at Marugkulam Village, a lorry bearing Registration No.TN-55-BS-6566 has been seized for illicit transport of gravel sand of 5 units without any permission and thereafter, the lorry was handed over to the respondent on 06.06.2023. Hence, the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the Information Report.

4. Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioners, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

5. Accordingly, 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 learned Judicial Magistrate No.II, Thanjavur, 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with 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]**.

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

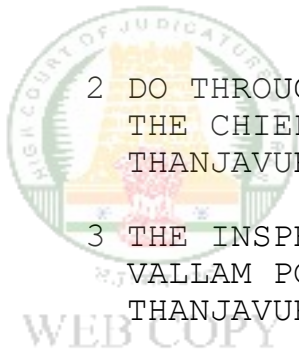
sd/-
30/06/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://www.mhc tn.gov.in/judis>
THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.



2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

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

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

+1. CC to M/S.PAREKH KUMAR J Advocate SR.No.10145

ORDER
IN
CRL OP(MD) No.11984 of 2023
Date :30/06/2023

MGJ(07.07.2023) 3P 6C