



CRL OP(MD). No.20394 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20394 of 2023

1. Vellaisamy,

2. Murugesan,

3. Neelakandan @ Neelakandamoorthy,

... petitioners/ Accused No. 1 to 3

Vs

State Rep. by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No. 369 of 2023.

... Respondent/ Complainant

For petitioners : M/s. Maheswaran.R,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 369 of 2023 on the file of the respondent Police.



CRL OP(MD). No.20394 of 2023

WLB COPY
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 IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.369 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police was in patrolling duty, the petitioners herein have illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioners herein said to have illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart and the same was recovered and they are not



CRL OP(MD). No.20394 of 2023

having any previous case. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners is 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 learned District Munsif Cum Judicial Magistrate, Peravurani, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners are directed to pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of District Siddha Medical Officer CCRIPKM



CRL OP(MD). No.20394 of 2023

(Account No:-10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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 is 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].



CRL OP(MD). No.20394 of 2023

[g]If the accused thereafter absconds, a fresh FIR can be registered under

WEB COPY

Section 229-A IPC.

sd/-
10/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1. The District Munsif Cum Judicial Magistrate, Peravurani, Thanjavur.
2. Do through the Chief Judicial Magistrate,
Thanjavur 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.

Copy To

The District Siddha Medical Officer CCRIPKM,
Periyakulam.

+1. CC to M/S. MAHESWARAN.R Advocate SR.No.16229



WEB COPY



CRL OP(MD). No.20394 of 2023

ORDER
IN
CRL OP(MD) No.20394 of 2023
Date :10/11/2023

SSA/(21.11.2023)/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.