



CRL OP(MD). No.5047 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 01/04/2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.5047 of 2024

1.Palraj
2.Ajithkumar
3.Bharathiraja

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
(Crime No. 63 of 2024).

... Respondent/ Complainant

For Petitioners : M/s.C.Bharathi, Advocate.
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.63/2024 on the file of the Respondent Police.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.63 of 2024, dated 26.03.2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally quarried and transported ^{1/4} unit of sand in S.No.153/7 at Orathanadu, Thanjavur District and sold



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the same to a third party.

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3.The learned counsel appearing for the petitioners submits that the petitioners have taken the soil from their own patta land. However, a case has been registered by the respondent police

4.The learned Additional Public Prosecutor submits that the sand taken by the petitioners is not from any river bund and it is from their own patta land.

5.Considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the Judicial Magistrate Court, Pattukkottai, Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 shall report before respondent police as and when required.



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[c]the petitioners shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/04/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO

1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI, THANJAVUR DISTRICT.

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

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



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

ORDER

IN

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Date :01/04/2024

RS/GS/SAR-(08.04.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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