



CRL OP(MD).No.10036 of 2024

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

Date : 24.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD).No.10036 of 2024

1. Thangathambi

2. Mohandoss

... Petitioners/ Accused No.2 & 3

versus

1. The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime No.183 of 2024)

... Respondent/Complainant

(*)2. The Superintendent of Police,
Thanjavur District.

... 2nd Respondent

(*)(R2 is Suo-Motu impleaded as per order of the Court
dated 12/07/2024 in Crl OP(MD)No.10036 of 2024 by
BPJ)

For Petitioners : Mr.K.M.Karunakaran, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.183 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A2 and A3, apprehending arrest at the hands of the respondent

Police, in connection with a case in Crime No.183 of 2024, for the offence under



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Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957

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r/w. 379 of IPC, have filed this petition seeking anticipatory bail.

2. Earlier, the petitioners/A2 and A3 along with the first accused moved an anticipatory bail petition before this Court in CrI.O.P.(MD)No.8556 of 2024. When the earlier petition came up for hearing before this Court on 12.06.2024, a representation was made on behalf of the respondent Police that the first accused is having three previous cases and the second and third accused, who are the present petitioners, are having two previous cases. Considering the representation made on behalf of the respondent Police, this Court, by order dated 12.06.2024, dismissed the earlier anticipatory bail petition. Now, the petitioners/A2 and A3 have moved this present petition before this Court, seeking anticipatory bail that they are not having any previous case, however, a wrong representation has been made before this Court in CrI.O.P.(MD)No.8556 of 2024.

3. Considering the said submission, this Court, by order dated 12.07.2024, directed the Superintendent of Police, Thanjavur, to file a report as to the manner in which such representation was made in the earlier anticipatory bail petition in CrI.O.P.(MD)No.8556 of 2024.

4. The Superintendent of Police, Thanjavur, has filed a report and also confirmed that the petitioners are not having any previous case, however, a wrong



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information was provided to this Court. He further states that he has ordered for an enquiry by the Deputy Superintendent of Police, Pattukottai and based on the enquiry report, show cause notices were issued to the concerned officers and based on their explanations, appropriate action would be taken as against them.

5. The personal liberty of an individual is protected under Article 21 of the Constitution of India. The case registered against the petitioners is for the offence under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 as if the petitioners have illegally transported $\frac{1}{4}$ unit of river sand. The case is under investigation. The investigation alone would reveal as to whether the petitioners have committed offence or not. However, this Court is not granting anticipatory bail for the persons, who are having bad antecedent, as it would amount to encouraging the accused to commit further offence.

6. The police officers are having duty towards the Court to furnish the correct details. A correct decision can be taken only based on the information provided by either side. Whether it is the petitioner or public prosecutor if any false information has been provided, then, injustice can be done to a person. The Courts maintain their majesty only by pronouncing a proper order. The false information, if any, provided to the Courts would amount to interference with the course of justice also. The Superintendent of Police shall ensure that hereafter, instructions are provided to the



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Courts in a proper manner. Since the Superintendent of Police has already passed some orders to correct their system, this Court is not passing any further orders in this petition.

7. It is now reported that the petitioners have not involved in any previous case. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is ordered 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 learned Judicial Magistrate on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand)each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent Police as and when required for interrogation. They have to co-operate for the investigation.

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.



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(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

9. It is needless to say that any tool or instrument or vehicle used for illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-

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

OGY

To

1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.

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

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

4 THE SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-8514[I] dated 24/07/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

CRL OP(MD) No.10036 of 2024

Date :24/07/2024

RS/GS/SAR-(07.08.2024) 6P 7C

Madurai Bench of Madras High Court is issuing
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