



CRL OP(MD).No.12627 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.08.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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C.Sivachandhiran

... Petitioner/ A1

Versus

State Rep. by
The Sub Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Cr.No.139 of 2024

... Respondent/Complainant

For Petitioner: M/s.Muthukamatchi
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.139 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.139 of 2024, for the offence under Sections 379,



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511, 147, 353, 279 and 109 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, has filed this petition seeking anticipatory bail.

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2. The case of the prosecution is that the petitioner and other accused have illegally transported sand and when the police party intercepted them, the accused persons fled away the occurrence place and some of the accused prevented the police party from performing their duty.

3. This is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner in Crl.O.P.(MD)No.9554 of 2024 was dismissed by this Court, on 28.06.2024, by considering the antecedent of the petitioner.

4. The learned counsel appearing for the petitioner submits that the petitioner has now realized his mistake and he is prepared to file an undertaking affidavit before the respondent Police that he will not indulge in any other offence in future. He further submits that the petitioner, in order to show his bona fide, has now contributed a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of the Chief Educational Officer, Thanjavur, for the purpose of providing any amenities, like, drinking water facility, toilet facility or smart class room, to any one of the Government Schools in Thanjavur District.

5. Heard the learned Government Advocate (Crl. Side).

6. Considering the nature of offence and also considering the change in attitude



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of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

(ii) The petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks. He has to co-operate for the investigation.

(iv) The petitioner shall file an undertaking affidavit before the respondent Police that he will not indulge in any other offence in future.

(v) The petitioner shall not misuse the liberty granted to him by



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indulging in any further offence and shall not tamper with the prosecution witnesses.

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

8. 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/-
06/08/2024

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/08/2024
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, THANJAVUR DISTRICT.

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

3 THE SUB INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION, THANJAVUR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-9654[I] dated 08/08/2024)

ORDER

IN

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Date :06/08/2024

SA/GS/SAR. /24.08.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.