



CRL OP(MD) No.22770 of 2023

WEB COPY

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22770 of 2023

E.BASKAR

... PETITIONER / ACCUSED

Vs

**THE SUB INSPECTOR OF POLICE
MARUVUR POLICE STATION,
THANJAVUR
CRIME NO.160/2023.**

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.SELVAKRISHNAN.S Advocate

For Respondent : MR.SS.MADHAVAN,Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.160/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for

the alleged offence punishable under Sections 379 of I.P.C. r/w Section 21(1) of Mines

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



CRL OP(MD) No.22770 of 2023

and Minerals (Development & Regulation) Act, 1957 in Crime No.160 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was involved in illegal transportation of two gunny bags of river sand.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that there is no previous case pending against the petitioner.

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

6. Accordingly, 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, Thiruvaiyaru, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a



CRL OP(MD) No.22770 of 2023

period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner 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;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;



WEB COPY



CRL OP(MD) No.22770 of 2023

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/01/2024
/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE SUB INSPECTOR OF POLICE
MARUVUR POLICE STATION,
THANJAVUR .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.22770 of 2023

WEB COPY

+1 CC to M/s.S.SELVAKRISHNAN, Advocate (SR-217[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.22770 of 2023

Date :05/01/2024

PKP/DD/SAR- /10.01.2024/ 5P/ 6C

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