

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17743 of 2019

1 GOPI
2 ASHOK

[PETITIONERS / ACCUSED]

Vs

STATE BY: INSPECTOR OF POLICE [RESPONDENT]
THIRUPALAIVANAM POLICE STATION,
PONNERI TALUK,
THIRUVALLUR DISTRICT.
CRIME NO.67 OF 2019

For Petitioner : M/S.A.P.SATHYAMURTHY Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s 433, 379 I.P.C. in Crime No.67 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that these petitioners who are the owners of JCB Vehicle bearing Registration No.AP 16 AM 3532 attempted to take sand from the river bed which has been witnessed by the Thasildar, Pugalendi. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that while they are driving the JCB the defacto complainant mistakenly understood and come a conclusion that these petitioners are attempting to take sand from the river bed. He further submitted that these petitioners have been falsely implicated in this case and they have nothing to do with the aforesaid allegation. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners are attempted to take sand from the river bed which has been witnessed by the Thasildar, Pugalendi. She further submitted that there is no previous case pending against the petitioners.

5.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.2, Ponneri on condition that each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 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.

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

-sd/-

08/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

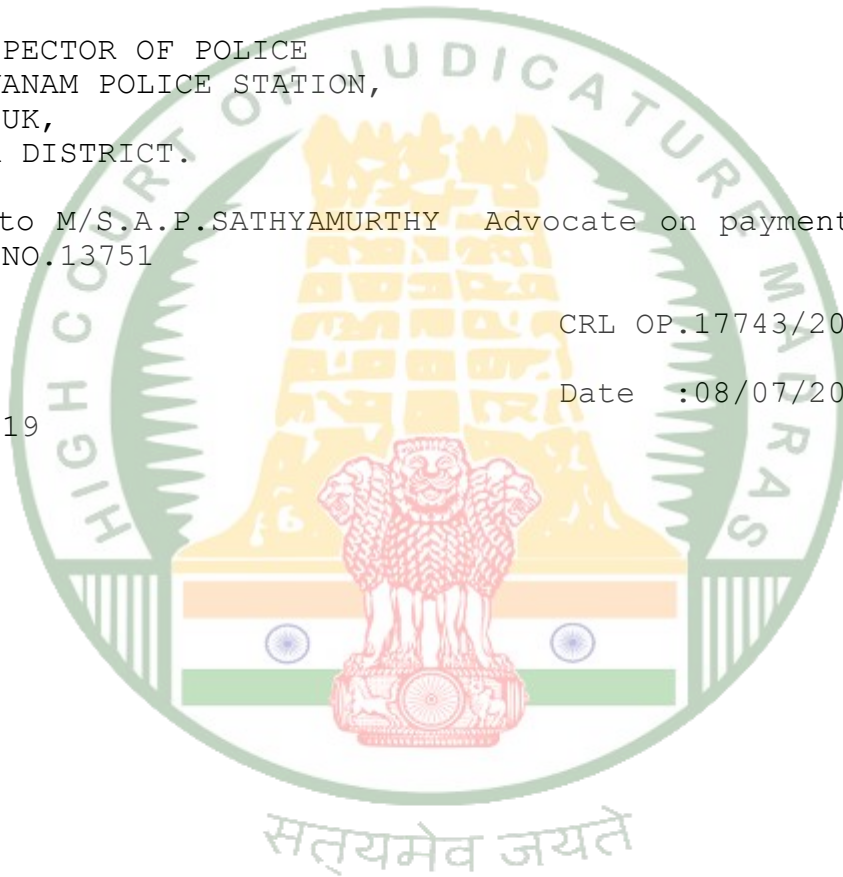
4 THE INSPECTOR OF POLICE
THIRUPALAIVANAM POLICE STATION,
PONNERI TALUK,
THIRUVALLUR DISTRICT.

+1CC to M/S.A.P.SATHYAMURTHY Advocate on payment of necessary
charges SR NO.13751

CRL OP.17743/2019

Date :08/07/2019

MK:12/07/2019



WEB COPY