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

Wednesday, the Fifteenth day of May Two Thousand Nineteen
PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) Nos.6775 AND 6776 of 2019

1 K.SATHISH KUMAR ... PETITIONER/ ACCUSED NO.2
IN CRL OP(MD) No.6775 of 2019

1 P.KALIVARADHAN ... PETITIONER/ ACCUSED RANK NOT KNOWN
IN CRL OP(MD) No.6776 of 2019

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY CITY, TRICHY
(CRIME NO.243/2019) ... RESPONDENT / COMPLAINANT
IN CRL OP(MD) Nos.6775, 6776 of 2019

For Petitioners : M/S.D.SADIQ RAJA, Advocate (In both Petitions)

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)
(In both Petitions)

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

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC in Crime No.243 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.D.Sadiqraja, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that on 03.05.2019 at about 18.45 one R.Sundar Rajan, who is working as Village Administrative Officer, along with his assistant was on official duty at Adam School, Air Port Road, they found a Leyland Lorry bearing Registration no.TN-48-AH-1425, driven by one Subramanian who is the first accused took two units of sand from Chinnalpatt I Oodaai, near Manaparai and transported the same for personal gain. Hence the complaint.



4.The learned counsel appearing for the petitioner would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that based on the confession of the first accused, the petitioner in CrI.O.P(MD). No.6775 of 2019, namely, Sathishkumar, has been implicated as A2, as the owner of the lorry. But according to the petitioner in CrI.O.P (MD)No.6775 of 2019, the lorry which was involved in the commission of offence, stand in the name of the petitioner in CrI.O.P(MD). No.6776 of 2019 one Kalivaradhan and therefore, the learned counsel for the petitioner would submit that at the point of time, the petitioner in CrI.O.P(MD).No.6776 of 2019 Kalivaradhan may also be added an accused, as his name is in the RC book and therefore, he is apprehending arrest. Hence, he prays to grant anticipatory bail to these petitioners.

5.The learned Government Advocate (CrI.side) on instruction would submit that the petitioner in CrI.O.P(MD)No.6775 of 2019 is an accused in Crime No.243 of 2019 and the petitioner in CrI.O.P(MD). No.6776 of 2019 is not an accused.

6.Taking into consideration of the facts and circumstances of the case and there is no bad antecedent against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7.Accordingly, the petitioner in CrI.O.P.(MD)No.6775 of 2019 is directed to deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the account of Patient Welfare Society, District Headquarters Hospital,Tiruchirapalli and preferably it can be utilized for the purpose of installation of UPS(inverter) in the Hospital wards depending upon the requirement within the district, on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, on each of them executing 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 learned Judicial Magistrate Court No.VI, Tiruchirappalli, and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner in CrI.O.P.(MD)No.6775 of 2019 shall report before the respondent police daily at 10.30 a.m, until further orders

[c] the petitioner in CrI.O.P.(MD)No.6776 of 2019 shall report before the respondent police as and when required.

[d] the petitioners shall not tamper the evidence or witness either during investigation or trial.



[e] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC.

[f] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

8. Merely, because the petitioners had deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

sd/-
15/05/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3 THE SUB INSPECTOR OF POLICE
AIRPORT POLICE STATION, TRICHY CITY, TRICHY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy To:

THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL, TIRUCHIRAPPALLI

+2. CC to M/S.D.SADIQ RAJA Advocate SR.No.8389, 8390

ORDER
IN
CRL OP (MD) Nos.6775, 6776
of 2019
Date : 15/05/2019