



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4045 of 2020

1. Thilagan @ Mani
2. Jeganathan

... Petitioners/Accused Nos.1 & 2

Vs

State Rep. by
The Inspector of Police,
Vathalai Police Station,
Vathalai,
Trichy District.
Cr.No.35 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.Arunraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.35 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C. and Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.35 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The first petitioner is the driver and the second petitioner is the owner of the Bolero Pick-Up van bearing registration No.TN 48 Ak 4086. When they were illicitly



transporting about ½ unit of river sand from the Kollidam River, the Police team attached to the Vathalai Police Station, Trichy District, intercepted the vehicle. On seeing the Police team, the petitioner herein has abandoned the vehicle and fled. The Police has seized the vehicle and registered a complaint in Crime No.35 of 2020 on 26.02.2020. Now the petitioners herein have filed Anticipatory Bail Application stating that the first petitioner is the son of the second petitioner and the vehicle was driven by the first petitioner. At the time of interception, the first petitioner promising that he will not tamper the witnesses and co-operate for the investigation, seeks anticipatory bail in the event of his arrest.

3. It is seen that the petitioners herein are father and son. The petitioners have indulged in illicit transport of river sand. When the respondent Police intercepted them, they have fled from the scene and now seeking anticipatory bail. In order to proceed with the investigation, this Court is inclined to grant anticipatory bail to the petitioners.

4. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a). The petitioners shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) each in the crime account;

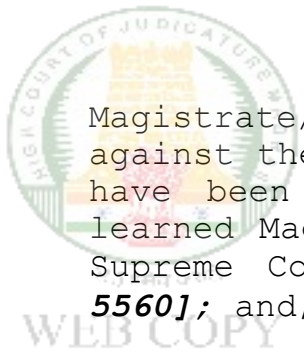
(b). the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c). the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.00 p.m. for a period of fifteen days from the date of receipt of a copy of this order and thereafter, as and when required for interrogation;

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

(e). the petitioners 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 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]***; and;

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

sd/-
04/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, MUSIRI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION,
VATHALAI, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-4783[I] dated 04/03/2020)

ORDER
IN
CRL OP(MD) No.4045 of 2020
Date :04/03/2020

TSG
TE/JC/SAR-II : 09/03/2020 : 3P/6C