



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6773 of 2020

1. Gopal
2. Arumugam
3. Mariyapakkiyarani ... Petitioners/Accused No.1 to 3

Vs

The State Rep. by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
Cr.No. 229 of 2020. ... Respondent/Complainant

For Petitioners : M/s R.Yamuna,
Advocate.
For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioners on bail in the event of their arrest in connection with the case in Cr.No. 299 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C. r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.299 of 2020, on the file of the respondent police, seek anticipatory bail.



3.The case of the prosecution is that on 21.06.2020, the petitioners were illegally transporting river sand in Om Sai Tipper Tarass Lorry bearing Regn.No.TN-45-BC-9547 and TN-45-CZ-1675.

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant anticipatory bail to the petitioners.

5.Taking note of the above facts, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Kulithalai, Karur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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)each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the concerned District Mineral and Foundation Trust on or before 15.07.2020, without prejudice and subject to outcome of the trial;

(c)petitioners shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

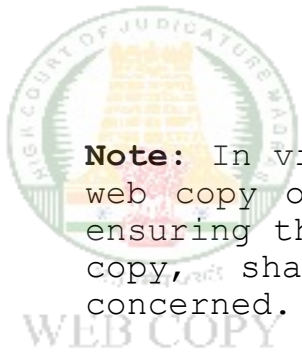
sd/-

29/06/2020

/ TRUE COPY /

/ /2020

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER IN-CHARGE,
DISTRICT MINERAL AND FOUNDATION TRUST,
KARUR DISTRICT.

ORDER
IN
CRL OP(MD) No.6773 of 2020
Date :29/06/2020

SJI
TE/JC/SAR-II : 01/07/2020 : 3P/6C