



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

Date : 01/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.6878 of 2020

Parimala

...Petitioner/Accused (Rank Unknown)

Vs

The State
The Inspector of Police,
Kundarakudi Police Station,
Sivagangai District.
(Crime No. 160 of 2020).

... Respondent/Complainant

For Petitioner : M/s T.Lenin Kumar,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 160 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

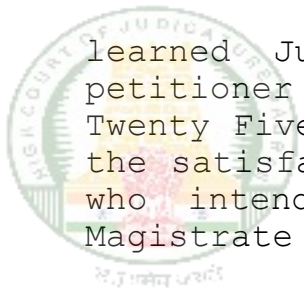
2.The petitioner is arrayed as A2 in Crime No.160 of 2020 for the alleged offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act.

3.As per the prosecution, ½ unit of gravel sand was transported in TATA ACE Van bearing Regn.No.TN-55-U-8481. The driver of the vehicle Selvaraj was arrested and granted bail. This petitioner is shown as A2 being the owner of the vehicle.

4.The learned counsel for the petitioner would state that he sold the vehicle four months back to Selvaraj and she is not the owner of the vehicle. Due to Corona Pandemic, name transfer could not be effected.

5.Taking note of the submissions, 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 her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the



learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner 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 petitioner shall produce the documents regarding the transfer of vehicle in the name of Selvaraj on or before 15.07.2020;

(c) the petitioner shall report before the respondent police 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;

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

sd/-

01.07.2020

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

SJI

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, Karaikudi.

2. Do-Through The Chief Judicial Magistrate,
<https://hcservices.ecourts.gov.in/hcservices/>
Sivagangal District.



3. The Inspector of Police,
Kundarakudi Police Station,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL OP(MD) No.6878 of 2020
Date : 01/07/2020

VB SKN SAR 2 (03.07.2020) 3P 5C