



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7676 of 2020

WEB COPY

1. Karthikeyan
2. Manickam
3. Gnanaguru

... Petitioners/Accused No.1,2,3

Vs

The State rep.by
The Sub Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Cr.No. 309 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,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 Cr.No.309 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

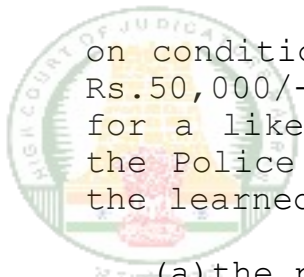
The petitioners are figuring as accused Nos.1 to 3 in Crime No.309 of 2020, on the file of the respondent police for the offences punishable under Section 379 of IPC r/w Section 21(iv) of Mines and Minerals (Development and Regulation) Act 1957.

2.The case of the prosecution is that the petitioners have illegally transported two units of river sand.

3.The learned counsel appearing for the petitioners submitted that the petitioners are the driver of the vehicle and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the State would submit that the total quantity of sand involved is two units and the same was recovered by the respondent police.

5.Considering the facts and circumstances of the case, I am 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Srivilliputtur,



on condition that the petitioner 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 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 deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20, within a period of four weeks without prejudice to his rights and contentions before the trial Court ;

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

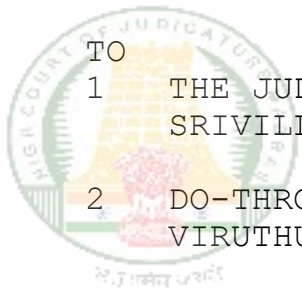
6. Post the matter on 24.08.2020 under the caption 'For Reporting compliance'.

sd/-
23/07/2020

/ 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
SRIVILLIPUTTUR
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR AT SRIVILLIPUTTUR
- 3 THE SUB INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA) ,
NO.38, SARDAR PARTEL ROAD,
ADAYAR, CHENNAI 20
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.7676 of 2020

Date :23/07/2020

SMA/RSK/SAR-II/27/07/2020/3P/6C