



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

PRESENT

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The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) . No.7740 of 2020

1. Senthil Kumar
2. Jagan
3. Padmakumar

... Petitioners/Accused No.1to3

Vs

The State rep. by
The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.
Cr.No. 783 of 2020.

x... Respondent/Complainant

For Petitioner : M/s. S.Sivakumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No. 783 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 Tamilnadu Mines and Minerals Development and Regulation Act in Crime No.783 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were said to have illegally transported One unit of red sand by using Tempo. Hence, a complaint has been registered.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



However, on instructions, he would further submit that the petitioners will voluntarily make a non refundable payment of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20 without prejudice to their right in the criminal case.

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5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there is no previous case pending as against the petitioners.

6. Considering the facts and circumstances of the case and considering the fact that the quantum of sand, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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, Kuzhithurai, 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 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.10,000/- (Rupees Ten Thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20, within a period of one week without prejudice to his rights and contentions before the trial Court ;

(c) the 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



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

sd/-
28/07/2020

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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 ,
KUZHITHURAI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA) ,
NO.38, SARDAR PATEL ROAD,
ADYAR, CHENNAI-20.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-5828[I] dated 29/07/2020)

ORDER
IN
CRL OP(MD) No.7740 of 2020
Date :28/07/2020

KSA

<https://hcservices.ecourts.gov.in/hcservices/> SPS/BN/ SAR-IT/ 31.07.2020/ 3P/7C