



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

Date : 30/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . Nos.7942 & 7961 of 2020

1. Sankar
2. Raman

... Petitioners/Accused Rank not
known in Crl.OP(MD) No.7942/2020

1. Tamilarasan
2. Boopathi

... Petitioners/Accused No.2&4 in
Crl.OP(MD) No.7961 of 2020

Vs

The State rep. by
The Inspector of Police,
Thottiyam Police Station, Thottiyam,
Trichy District
Crime No. 972 of 2020.

... Respondent/Complainant
in both the petitions

For both petitions:

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

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.972 of 2020 on the file of
the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences under Sections
147,286,201,202,304(2) of IPC and Sections 3 & 5 of Explosives
Substances Act, 1908, seek anticipatory bail.



2. The case of the prosecution is that the petitioners said to have used the detonators for floating fish.

3. The learned counsel for the petitioners would submit that they did not involve in the allegations levelled against them and the petitioners are fisherman went to attend the funeral of the deceased. The co-accused were enlarged on bail. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners are fisherman. He would further submit that A-1, A-3, A-5 & A-6 and co-accused namely; Selvakumar were enlarged on bail by order of this Court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that A-1, A-3, A-5 & A-6 and co-accused namely; Selvakumar were enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 report before the respondent police as and when required for interrogation.

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

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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



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

sd/-
30/07/2020

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/ /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,
MUSIRI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
THOTTIYAM,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7942&7961 of 2020
Date :30/07/2020

KSA
SRS/ PN/ SAR-II/ 31.07.2020/ 3P/5C