



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

Date : 19/08/2020
PRESENT

WEB COPY

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8586 of 2020

1. Ragupathi
2. Rasu

... Petitioners/Accused 1 & 2

Vs

The State rep. by
The Sub Inspector of Police,
Vengamedu Police Station, Karur.
(Crime No. 84 of 2020).

... Respondent/Complainant

For petitioners : M/s.K.Appadurai, 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 Crime No.84 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

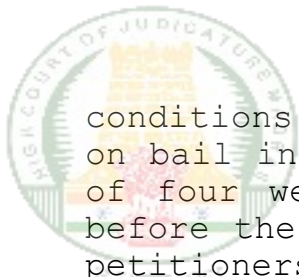
The petitioners are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.84 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported $\frac{1}{4}$ unit of river sand in bullock cart.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have nothing to do with the alleged offence.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that the total quantity of sand involved is $\frac{1}{4}$ unit 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karur 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 are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of The Third Order of Saint Francis of Assissi Sisters Society - Bishop Aelen Home for Children (Indian Bank Saving Account No.6690755246, IFSC Code: IDIB000E004) within a period of Two weeks, without prejudice to their rights and contentions before the trial Court ;

(b) 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;

(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;

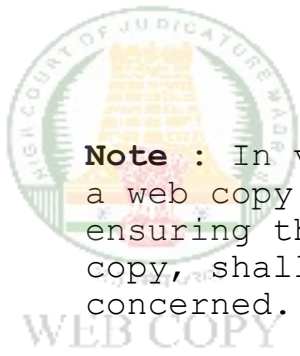
(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
19/08/2020

/ 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,
KARUR.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER IN CHARGE,
THE THIRD ORDER OF SAINT FRANCIS OF ASSISSI
SISTERS SOCIETY- BISHOP AELEN HOME FOR CHILDREN.

ORDER
IN
CRL OP(MD) No.8586 of 2020
Date :19/08/2020

SJI
SRS/ AKM/ SAR-III/ 24.08.2020/ 3P/6C