



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8788 of 2020

1. Kamal,

2. K.S.Rameshbabu, ... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
Aranthangi Police Station,
Pudukkottai
District.
Crime No.1215/2020.

... Respondent/Complainant

For Petitioners : M/s.G.Mathavan,
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 Crime no.1215/2020 in the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., and Section 21(1)(2) of Mines and Minerals (Development and Regulations) Act, in Crime No.1215 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 four unit of river sand by using Tarrus Lorry. Hence, a complaint has been registered.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that one previous case is pending against the petitioners.

6.Considering the facts and circumstances of the case, 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 Court, Aranthangi, Pudukkottai District, 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 are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) jointly to the credit of Karur Anbukarantal Society, Karur-639 006 (Indian Bank Saving Account No.6069083407, IFSC Code: IDIB000K027), within a period of Two weeks without prejudice to their 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



5560]; and;

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

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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 Court,
Aranthangi, Pudukkottai District.
- 2.do through
The chief Judicial Magistrate,
Pudukkottai.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
The Karur Anbukarangal Society,
Karur 636 006.

ORDER IN
CRL OP(MD) No.8788 of 2020
Date : 21/08/2020

TR/RSK/SAR-III (25.08.2020) 3P 6C