



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9372 of 2020

1.Santhanakumar

2.Ramu

...Petitioners/Accused Nos.1 & 2

Vs

The State through
The Inspector of Police,
Aruppukottai Police Station,
Virudhunagar District.
(Crime No.274 of 2020)

... Respondent/Complainant

For Petitioners : Mr.S.J.Chakkkaravarthy,
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. 274 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 of I.P.C. r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.274 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are owner and driver of the tipper lorry bearing Registration No.TN-59-P-6952 and illegally transported two unit of savudu sand by using

<https://hcservices.ecourts.gov.in/hcservices/>



Tipper lorry without proper permission. 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 have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the two unit of savudu sand and lorry were seized by the respondent police. 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 St.Thomas Old Age Home, Donbosco Beautitudes Social Welfare Centre, No.50, Sundaram Street, Viysarpadi, Chennai- 39 without prejudice to their right in the criminal case.

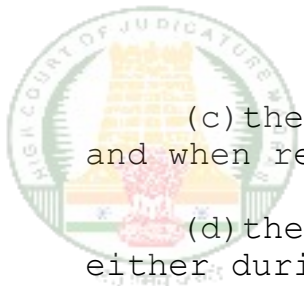
5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the vehicle has been seized by the respondent police and there is no previous case pending against the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the vehicle has been seized by the respondent police and there is no previous case pending against the petitioners, 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, Aruppukottai, Virudhunagar 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.10,000/- (Rupees Ten Thousand only) to the credit of St.Thomas Old Age Home, Donbosco Beautitudes Social Welfare Centre, No.50, Sundaram Street, Viysarpadi, Chennai- 39, 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 SCW 5560]; and;

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

sd/-
04/09/2020

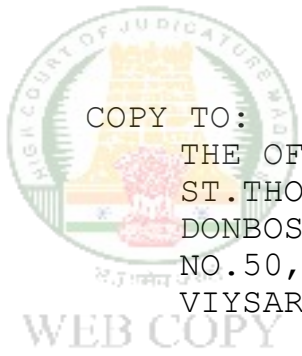
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
ARUPPUKOTTAI VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



COPY TO:

THE OFFICER INCHARG,
ST.THOMAS OLD AGE HOME,
DONBOSCO BEAUTITUDES SOCIAL WELFARE CENTRE,
NO.50, SUNDARAM STREET,
VIYSARPADI, CHENNAI- 39.

+1. CC to Mr.S.J.CHAKKKARAVARTHY Advocate SR.No.16022

ORDER

IN

CRL OP(MD) No.9372 of 2020

Date :04/09/2020

vsd

AE/VR/SAR-II (09.09.2020) 4P 7C