



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

Date : 03/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9235 of 2020

1.Dhanapal
2.Sathish Kumar

...Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Vangal Police Station, Karur.
Crime No.Not known of 2020

... Respondent/Complainant

For Petitioners : M/s.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.R.Saravana Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No. of 2020 on the file of
the respondent police

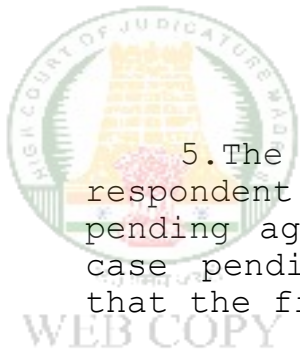
ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act and Section 379 of I.P.C., in Crime No. Not known of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have illegally transported each 1/2 Unit of river sand in two bullock carts. Hence, a complaint has been registered.

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

4.The learned counsel appearing for the petitioner submitted that the petitioners have not committed any offence as alleged by



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are Eight previous cases are pending against the first petitioner/A-1 and there is no previous case pending against second petitioner/A-2. He further submitted that the first petitioner is the habitual offender.

6.Considering the facts and circumstances of the case and considering the fact that the first petitioner/A-1 is a habitual offender and there are Eight previous cases are pending against him and hence, this Court is not inclined to grant anticipatory bail and hence, the Criminal Original Petition stands dismissed as against the first petitioner/A-1.

7. Taking note of the fact that there is no previous case pending against the second petitioner/A-2 and hence, this Court is inclined to grant anticipatory bail to the second petitioner/A-2 with certain conditions.

8.Accordingly, the Criminal Original Petition is partly allowed. The second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the second petitioner 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 second petitioner 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 second petitioner shall report before the respondent police as and when required for interrogation.

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

(d)the second petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;



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

sd/-
03/09/2020

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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 NO II, KARUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9235 of 2020
Date : 03/09/2020

KSA
TK/VR/SAR.3/09.09.2020/3P/5C