



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

Date : 03/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9318 of 2020

1. Kondappan @ Jothimani
2. Marimuthu
3. Krishnamoorthy

... Petitioners/Accused No.6to8

Vs

The State rep. by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No. 1272 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Sivaraja,
Advocate.

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

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

PRAYER :-

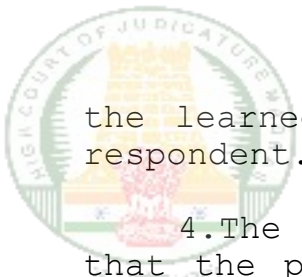
For Anticipatory Bail in Crime No.1272 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-6 to A-8 apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C. r/w Section 21(5) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, in Crime No.1272 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are owners of the offending vehicle and the petitioners said to have illegally transported each One unit, totally Three Units of river sand in Three Tractors. Hence, a complaint has been registered.

<https://hcservices.courts.gov.in/hcservices/> 3.Heard the learned counsel appearing for the petitioner and



the learned Government Advocate (Criminal 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 the prosecution.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners are owners of the offending vehicle.

6.Considering the facts and circumstances of the case and considering the quantum of sand, this Court is 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, Aathoor, Dindigul 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 each Rs.15,000/- (Rupees Fifteen Thousand Only), totally to the tune of Rs. 45,000 (Rupees Forty Five Thousand Only) to the credit of the Missionaries of Charity Nirmala Shishu Bhavan, (Boys and Girls Home), No.26/79, West Madha Church Road, Royapuram, Chennai-600 013 (South Indian Bank, George Town, Saving Account No.0042053000009382, IFSC Code: SIBL0000042) without prejudice to their rights and contention 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/09/2020

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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,
AATHOOR, DINDIGUL DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT .
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER IN CHARGE,
MISSIONARIES OF CHARITY
NIRMALA SHISHU BHAVAN, (BOYS AND GIRLS HOME),
NO.26/79, WEST MADHA CHURCH ROAD,
ROYAPURAM, CHENNAI-600 013.

ORDER IN

CRL OP(MD) No.9318 of 2020

Date :03/09/2020

KSA

SRS/ VR/ SAR-II/ 08.09.2020/ 3P/6C

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