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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.9353 of 2020

M.Karuppusamy

... Petitioner/Accused
Rank Not known

Vs

The State Rep. by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Cr.No. 287 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Murugan,
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 Cr.No.287 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.Rank not Known, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.287 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the JCB operator. On the date of occurrence, the petitioner and other accused persons quarrying river sand by using JCB and lorry. Hence, the present complaint.

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 only allegation against the petitioner is that he is the JCB operator. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and other accused persons quarrying river sand by using JCB and Lorry. Hence, the crime has been registered. He further submitted that A1 and A3 were already arrested and released on bail by the lower Court.

6.Considering the above facts and circumstances of the case and also considering the rival submissions on either side and the fact that the petitioner is the JCB operator and the co-accused have already been arrested and released on bail by the Court below, I am inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate Court, Arupukkottai, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 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 petitioner shall report before the respondent police as and when required for interrogation.

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

(d)the 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.

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-6260[I] dated 04/09/2020)

ORDER
IN
CRL OP(MD) No.9353 of 2020
Date :04/09/2020

VSG
TE/AKM/SAR-I : 09/09/2020 : 3P/6C