



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

Date : 21/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10048 of 2020

1.GURUSAMY
2.SUBBURAJ

... PETITIONERS/ACCUSED NO.1 & 2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.108 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.V.Angusamy,
Advocate.

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

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

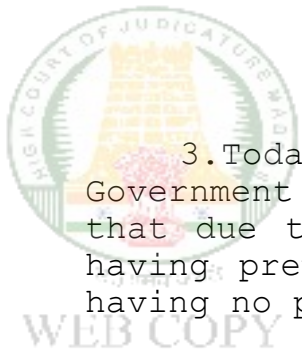
PRAYER :-

For Anticipatory Bail in Cr.No.108 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.108 of 2020, on the file of the respondent police, seek anticipatory bail.

2.This is the second anticipatory bail application. Earlier this Court dismissed the anticipatory bail application on 11.09.2020 in Crl.O.P.(MD)No.9634 of 2020, on the ground that the first petitioner is having 101 previous cases of similar nature and the second petitioner is having 14 previous cases of similar nature.



3.Today, when the matter is taken up for hearing the learned Government Advocate (Crl. Side) appearing for the State would submit that due to wrong identity, it is stated that the petitioners are having previous cases. Now it is known that the petitioners are having no previous case.

4.Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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, Aruppukottai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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.15,000/- (Rupees Fifteen Thousand only) jointly to the credit of SIP Memorial Trust, (AIDS Affected Children), 16, Nabigal Nayagam Nagar, Vetri Selvi Anbalagan Nagar, Chennai 600 082 [Account No.016010100524384, IFSC No: UTIB 0000016], 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 Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
21/09/2020

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

COPY TO:
THE OFFICER INCHARGE,
SIP MEMORIAL TRUST,
(AIDS AFFECTED CHILDREN),
16, NABIGAL NAYAGAM NAGAR,
VETRI SELVI ANBALAGAN NAGAR,
CHENNAI 600 082.

ORDER
IN
CRL OP(MD) No.10048 of 2020
Date :21/09/2020

SJI
JM/VR/SAR I/24.09.2020/3P/6C