



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

Date : 23/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) .No.10144 of 2020

1.Thangeswaran
2.Seenivasagam

... Petitioners/Accused No.2 &
Rank not Known

Vs

The State rep.by.
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Cr.No.1126 of 2020)

... Respondent/Complainant

For Petitioners: Mr.J.Sulthan Basha,
Advocate.

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

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

PRAYER :-

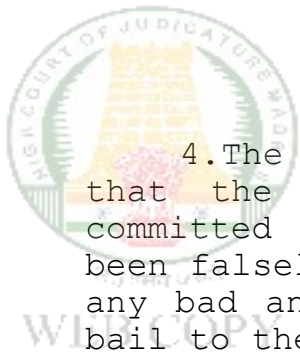
For an Anticipatory Bail in Cr.No.1126 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & Rank Not Known,
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 379 of IPC and 21(1) of Mines and
Minerals (Development and Regulation) Act, 1957, 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 quarter unit of gravel sand by using JCB.
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 are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioners are not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that first petitioner is the owner of the vehicle and as far as the second petitioner is concerned no case has been registered as against him.

6.In view of the submission made by the learned Government Advocate (Crl.Side) appearing for the respondent police, this Criminal Original Petition is dismissed as the second petitioner.

7.Considering the facts and circumstances of the case and also considering the fact that the quantum of sand, I am inclined to grant anticipatory bail to the first petitioner with certain conditions.

8.Accordingly, the first petitioner is ordered to be released on anticipatory bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Sivakasi, on condition that the first 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 first 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 first petitioner shall report before the respondent police as and when required for interrogation;

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

(d)the first 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on anticipatory bail. 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/second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
23/09/2020

/ TRUE COPY /

/ /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, SIVAKASI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3.THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10144 of 2020
Date :23/09/2020

VSD
PK/VR/SAR-4/28.09.2020 : 3P/5C