



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12009 of 2020

1. Sankar @ Siva Sankar
2. Thamarai @ Thamaraiselvam ... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.1581 of 2020 ... Respondent/Complainant

For Petitioners : M/s.R.Pon Karthikeyan,
Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.1581 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 353, 506(i) and 379 of I.P.C. r/w Section 21(1) of Tamilnadu Mines and Minerals Development and Regulation Act, in Crime No.1581 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners who are arrayed accused Nos. A1 & A2 and the defacto complainant is Village Administrative Officer. The petitioners said to have illegally transported one unit of red in a tractor bearing regn. no.TN-51-B-1219 and the same was intercepted by the defacto complainant and Village Assistant and therefore, the petitioners said to have abused the defacto complainant by using filthy language and obstructed them from discharging their official duty and also attempted the assault on the defacto complainant and the Village Assistant. 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 have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that only the tractor was seized and no trailer. He would further submit that there is no previous case pending as against the petitioners.

6. Considering the facts and circumstances of the case and also considering the fact that the quantum of sand and there is no previous case as against the petitioners, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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 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;



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

sd/-

04/11/2020

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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-7279[I] dated 04/11/2020)

ORDER

IN

CRL OP(MD) No.12009 of 2020

Date :04/11/2020

KSA

TE/SMA/SAR-II : 06/11/2020 : 3P/6C