



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

Date : 03/11/2020

PRESENT

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

CRL OP(MD). No.12241 of 2020

1. Muthuraj
2. Yasothai

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.987 of 2020)

... Respondent/Complainant

For Petitioners: Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-For an Anticipatory Bail in Cr No.987 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., r/w Section 21(4) of Mines and Minerals Development and Regulation Act, 1957, in Crime No.987 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and others have illegally transported three fourth unit of gravel sand by using two Tractors. 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. He further



submitted that the first petitioner is the owner of the vehicle. 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 there is no previous case pending against the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the first petitioner is the owner of the vehicle, this Court is not inclined to grant anticipatory bail to the first petitioner.

7.Accordingly, this criminal original petition is dismissed in respect of the first petitioner.

8.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the second petitioner and she is the wife of the first petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

9.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 second 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 second petitioner shall report before the respondent police as and when required for interrogation.

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

(d)the second 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 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)



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

sd/-
03/11/2020

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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 NO.II, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUB INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12241 of 2020
Date :03/11/2020

MS/VR/SAR-3/06.11.2020/3P.5C