



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/12/2020

PRESENT

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

CRL OP(MD). No.14531 of 2020

1. Sarathkumar  
2. Maruthavel

... Petitioners/Accused Nos.1&2

**Vs**

The State Rep. by  
The Inspector of Police,  
Samayapuram Police Station,  
Trichy District.  
Crime No.903/2020.

... Respondent/Complainant

For Petitioners: M/s.M.R.Sreenivasan,  
Advocate.

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

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

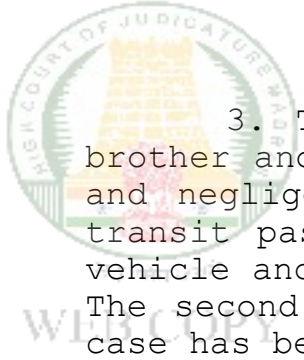
**PRAYER :-**

Anticipatory bail in Crime No. 903/2020 on the file of the respondent police

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 279, 337 and 379 of I.P.C., Section 21(1) of Mines and Minerals (Development and Regulation) Act and Section 184 of Motor Vehicles Act, in Crime No.903 of 2020 on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that the petitioners are brother and sister. The first petitioner drove the vehicle in rash and negligent manner with the load of gravel stone without valid transit pass. He dashed against the defacto complainant's brother vehicle and he sustained injury on his left leg and right side head. The second petitioner is the owner of the said vehicle. Hence, a case has been registered.

4. The learned counsel for the petitioners submitted that the defacto complainant's brother had driven the vehicle in a rash and negligent manner. The defacto complainant is an eye witness and he lodged the complaint only based on the hearsay evidence. Hence, he seeks anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) submitted that the first accused drove the vehicle in a rash and negligent manner that too with load of 3 ½ units of gravel stone without transit permit. He dashed against the defacto complainant's brother vehicle and thereby, he sustained injuries.

6. Since the first petitioner transported 3 ½ units of gravel stone without transit pass and he drove the vehicle in rash and negligent manner, this Court is not inclined to grant anticipatory bail to the first petitioner. This criminal original petition is dismissed as far as the first petitioner is concerned.

7. Since the second petitioner is only owner of the vehicle, I am inclined to grant anticipatory bail to the second petitioner with certain conditions.

8. Accordingly, second petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on producing of acknowledgement, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Tiruchirappalli, and on his executing 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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) AIR SCW 5560]**; and;

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

sd/-

11/12/2020

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

**COPY TO:-**

THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
TRICHY DISTRICT.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-8106[I] dated 11/12/2020)

ORDER IN

CRL OP(MD) No.14531 of 2020

Date :11/12/2020