



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.14920 of 2020

1. Mahendran
2. Murugan

... Petitioners/Accused No.1 & 2

Vs

State rep.by its.,
The Inspector of Police,
Vasudevanallur Police Station,
Thoothukudi District.
(Crime No.458/2020).

... Respondent

For Petitioners : M/s.R.J.Karthick,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.458/2020 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 sections 379 and 511 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30.11.2020, at about 11.00 am., while inspection at Sinthamaniperipudur, the respondent police found that the petitioners by using TN-B-4036 Mahindra Tractor along with unnumbered trailer putting down the red sand measuring one unit near Vinayagar temple and on seeing the respondent police, the petitioners were escaped from the spot.

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 the innocent persons and they have not committed any offence as alleged by the prosecution and hence, he seeks anticipatory bail.

WEB COPY

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the tractor and one unit of red sand was seized by the police and there is no previous case pending as against the petitioners.

6.Considering the facts and circumstances of the case and considering the fact that 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, Sivagiri, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/12/2020

WEB COPY

/ 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, SIVAGIRI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3.THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.R.J.KARTHICK, Advocate SR.No.8263

ORDER
IN
CRL OP(MD) No.14920 of 2020
Date :16/12/2020

LS
PK/SMA/SAR-II/22.12.2020 : 3P/6C