



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19620 of 2019

Palani

... Petitioner/Accused(Sole)

Vs

State Rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Crime No.378 of 2019

... Respondent/Complainant

For Petitioner : M/s.J.Senthil Kumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.378 of 2019 on the file of the Respondent Police.

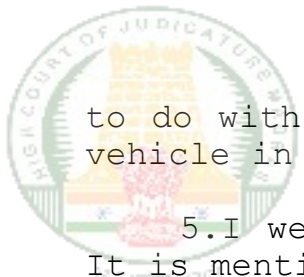
ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of IPC and Section 4(1), 21(1) of the Mines and Minerals Act, in Crime No.378 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The learned Additional Public Prosecutor submitted that the petitioner is having a number of cases to his credit. Therefore, this case should be dismissed.

4. When the matter came up for hearing in the last occasion, the learned counsel for the petitioner pointed out that he is only a spot driver engaged by various lorry owners and that he has nothing



to do with the vehicle in question. He further submitted that the vehicle in question belongs to one Sekar.

5.I went through the contents of the First Information Report. It is mentioned that when the police party was on an usual rounds on 21.08.2019 at about 8.00 am., they came across a lorry bearing registration No.TN 72 BP 1255 being parked and carrying a sand load of one unit. In the First Information Report itself it is mentioned that the petitioner Palani is the owner of the sale lorry. But then on verification it is seen that it is one Sekar who is the onwer of the vehicle.

6.This Court called upon the prosecution to examine the said Sekar. Sekar was examined. He has given a statement that he has leased out the vehicle on the previous date to the petitioner herein. I find the said expression rather strange. The learned counsel for the petitioner further pointed out that it is not known as to how the police fixed the petitioner as the owner of the said vehicle. Only after prodding by this Court, Sekar came to be examined on 06.01.2019. There is something vital missing in this case.

7. I am of the view that it is just and proper to grant relief to the petitioner herein. Therefore, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.I, Tirunelveli, 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

08/01/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.J.SENTHIL KUMAR, Advocate (SR-425[I] dated
08/01/2020)

ORDER

IN

CRL OP(MD) No.19620 of 2019

Date :08/01/2020

MS/VR/SAR-1/20.01.2020/3P.6C