

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5216 of 2021

1 S.AJITHKUMAR
2 RAKUVARAN
3 THIRUNAVUKARASU
4 S.SRIRAM

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
VEDHARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.131 OF 2021.

[RESPONDENT]

For Petitioner : M/S. P.MUTHAMIZH SELVAKUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 147, 341, 294(b), 353 and 506(i) of IPC in Crime No.131 of 2021, on the file of the respondent police, the petitioners seek anticipatory bail.

2. Totally there are 10 unnamed accused. A1 and A2 is said to have transported sand illegally. The respondent police seized the vehicle and taken it to the police station. On the way to the police station, A1 and A2 along with other unnamed persons waylaid them, abused and criminally intimidated them and taken both the accused and the tractor. Hence the Special Sub Inspector of Police filed a complaint before the respondent police.

3. The learned counsel appearing for the petitioners submitted that the main allegation is against A1 and A2 and they are the owner and driver of the tractor stated to have transported the sand illegally and the petitioners belongs to the same village and they have been falsely implicated in the case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the petitioners along with A1 and A2 waylaid the police and forcibly taken the tractor and also abused the police personnel.

5. Taking into consideration the facts and circumstances of the case, and the fact that A1 and A2 are the main accused and the petitioners are only unnamed accused, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following stringent conditions:

(a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vedharanyam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders.

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioners shall not abscond either during investigation or trial.

(f) 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VEDHARANYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEDHARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.5216/2021

सत्यमेव जयते Date :24/03/2021

MK:27/04/2021

WEB COPY