

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7485 of 2021

1 SAKTHIVEL  
2 RAJESH @ RAJENDRAN  
3 PRAKASH  
4 VELLIGIRI @ THIRUMALAIVASAN

[ PETITIONERS / ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
RPF, DHARMAPURI.  
CRIME NO. 3/2020.

[ RESPONDENT ]

For Petitioner : M/S. A.VINUPRADHA Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 3(a) of the Railway Property (unlawful possession) Act, 1966 in Crime No.3 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on their routine inspection, the respondent Police found the petitioners were loading railway track cut pieces into their tempo near the Tiruppur Railway Station. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioners were illegally loading railway track cut pieces into their tempo van worth about Rs.1,80,000/-. He further submitted that the properties were recovered. He further submitted that A1 and A6 were arrested and granted bail by the lower court.

5.Taking into consideration the facts and circumstances of the case and also that co-accused have been granted bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 No.1, Dharmapuri, on condition that each of the petitioners 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 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 Court concerned 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 daily at 10.30 a.m. until further orders.

(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/-

28/04/2021

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 NO.I,  
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
RPF, DHARMAPURI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. A.VINUPRADHA Advocate on payment of necessary charges  
SR.NO. 5595

CRL OP.7485/2021

Date :28/04/2021

MN-17/05/2021



WEB COPY