

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.OP.No.9622 of 2021

1. Arunpandiyan
2. Manibalan

... Petitioners

Vs.

State rep.by
The Sub-Inspector of Police
Thirunavalur Police Station
Kallakurichi District
(Crime No.330 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.330 of 2021 on the file of the respondent police.

For Petitioners : Mr.S. Saravanakumar

For Respondent : Mr.A. Damodaran
Government Advocate (Crl. side)

O R D E R

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Section
379 of IPC, on the file of the respondent police, seek anticipatory
bail.

2. The case of the prosecution is that the petitioners were found
procuring pebbles in JCB at Government Poromboke land without
permission and they were escaped from the scene of occurrence and
after that the said JCB was seized by the defacto complainant. Hence,
the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and nothing to do with the allegation and ready to comply with the conditions that may be imposed by this Hon'ble Court and prays to grant Anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent would submit that the petitioners were found procuring pebbles worth Rs.15,000/- in a JCB at Government Poromboke land without permission and that no previous case is pending against the petitioners.

5. Considering the above facts and circumstances of the case and the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate No.II, Ulundurpet, on condition that each of the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/05/2021

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.II, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB - INSPECTOR OF POLICE
THIRUNAVAILUR POLICE STATION,
KALLAKURICHI DISTRICT.

CC to M/S.S.SARAVANA KUMAR Advocate on payment of necessary charges

CRL OP.9622/2021

Date :27/05/2021

cs 07/07/2021

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