



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

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

Crl.O.P.No.12866 of 2021

1.Mani @ Subramani
2.Saravanan
3.Inba @ Perinban

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
Cr.No.537 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.537 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Chakravarthy

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 430 and 379 of IPC, in Crime No.537 of 2021, seek anticipatory bail.

2. The case of the prosecution is that each of the petitioners have taken 4 bags of river sand in 5 different motor cycle (totally 20 bags) without any permission. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against them. He would further submit that



co-accused have already been arrested and released on bail. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioners were found carrying 20 bags of river sand without permission. He would further submit that co-accused have already been arrested and released on bail.

5. Considering the facts and circumstances of the case that the Co-accused has already been released on bail, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanilam, Tiruvarur District, 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) Each of the petitioners shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the credit of the District Legal Service Authority, Thiruvarur, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;



(g) 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;

h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
Assistant Registrar(CS)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate, Nanilam,
Tiruvarur District.
- 2.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
- 3.The District Legal Service Authority,
Thiruvarur.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.R.Chakkaravarthy, Advocate, S.R.No.37488

Cr1.O.P.No.12866 of 2021

UM(CO)
SU(11/08/2021)