



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16260 of 2021

1 THIRUPATHI
2 GOVINDHAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRNO.155/2021)

[RESPONDENT]

For Petitioner : M/S.M.JAYACHANDRAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. 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 under Section 379 of I.P.C (Mud soil theft), in Crime No. 155 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners illegally transported 3 units of mud soil by using Lorry bearing registration number TN-24-AT-4690, without any permission. Hence, the complaint. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.10,000/- to The District Medical Officer, Krishnagiri for the purpose of treating Covid-19 patients.

4.The learned Government Advocate (CrI.Side) submitted that the illegally transported 3 units of mud soil by using Lorry. He also submits that the petitioner A3 is not an accused. However, he vehemently opposed for grant of anticipatory bail to the A2.



5.Considering the facts and circumstances of the case and also considering that A3 is not an accused, this Court is inclined to grant anticipatory bail to A2 and the same is closed for A3.

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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 *Principal District Judge, Krishnagiri*, on condition that 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 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) the petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Medical Officer, Krishnagiri for the purpose of treating covid -19 patients, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, 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., for a period of two weeks and thereafter as and when required for interrogation.

(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.



7. Accordingly, this Criminal Original Petition is allowed for A2 and the same is closed for A3.

-sd/-
08/09/2021

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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 PRINCIPAL DISTRICT JUDGE,
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE DISTRICT MEDICAL OFFICER,
KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.9866

CRL OP.16260/2021

Date :08/09/2021

CSK 24/09/2021