



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

WEB COPY

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.301 of 2021

1. Mohammed Thofiq
2. Ayyanar
3. Satyaseelan
4. Krishnaveni
5. Meerahussian

... Petitioners/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Palamedu Police Station,
Madurai District.
Crime No. 1523 of 2020

... Respondent/Complainant

For Petitioners : Mr.Poornachandran for
Mr.Amalan.S.MP, Advocate.
For Respondent : Mr.A.P.G. Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

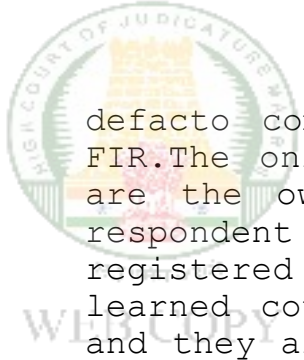
PRAYER :- For Anticipatory Bail in Crime No.1523 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under sections 120(b), 465, 468, 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.1523 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.12.2020, when the defacto complainant conducting usual checkup near Vellaiyampatti to Saranthangi Road, they found the accused persons illegally transporting three units of gravel sand each by using lorries bearing Registration Nos.TN30AA2822, TN63H 3198, TN72B9962, TN47Q4340, TN28AE2877, TN55Q4797 and TN59CZ1616. Hence, the respondent police arrested the first accused and A2 to A6 escaped from the spot.

3.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the



defacto complainant. The petitioners names were not found in the FIR. The only allegations as against the petitioners are that they are the owners of the lorries. According to the petitioners, the respondent police did not conduct any proper investigation and registered the above FIR as against the petitioners' vehicles. The learned counsel further submits that the petitioners are innocent and they are no way connected with the alleged offence and they are falsely implicated in this case and they are ready to produce substantial sureties, for their due appearance and prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that for illegal transport of each three units of gravel sand by using their seven lorries, a case in Crime No. 1523 of 2020 for the offences punishable under sections 120(b), 465, 468, 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 has been registered against the petitioners.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering the facts and circumstances of the case I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai for a sum of Rs.10,000/- (Rupees Ten Thousand only) each** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties. On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Vadipatti, Madurai on condition that 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 to 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 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]; and;

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

sd/-

21/01/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAMEDU POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:-

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

ORDER IN
CRL OP(MD) No.301 of 2021
Date :21/01/2021