



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.599 of 2021

1. Jeba Singh Mosses
2. Prakash Singh

... Petitioners/Accused 2 and 3

Vs

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District..
in Crime No.496/2021

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.496 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offence punishable under section 379 IPC, in Crime No.496 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the respondents were conducting the night parole, the petitioners along with other accused are said to have transported the red sand by using Nissan Tempo bearing Regn. No. TN 75K 1726. Hence, a complaint has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit that the petitioners are transported the red sand by using Nissan Tempo vehicle and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute, I am 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Padmanabhapuram, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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] Each of the petitioners shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** 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.

[b] On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, each of the petitioners shall execute a bond as stated above.

(c)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;

(d)the petitioners shall report before the respondent police 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



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

WEB COPY

/ TRUE COPY /

sd/-
20/01/2021

/ /2021
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 NO II,
PADMANABHAPURAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL
3. THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI 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.599 of 2021
Date : 20/01/2021

TRP
PK/SMA/SAR-I/27.01.2021 : 3P/6C