



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

Date : 25/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1016 of 2021

1.Iruthayaraj
2.Palsamy Kalankarayan
3.Paramasivan
4.Krishnamurthy
5.Palani @ Palaniselvam

... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
Seethparpanallur Police Station,
Tirunelveli District.
Crime No.160/2020.

... Respondent/Complainant

For Petitioners : Mr.V.Sorimuthu,
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.160/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.160 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 19.07.2020, when the defacto complainant conducted usual checkup near Subramaniapuram-Kallathikulam road, Ashok leyland Tipper Lorries bearing Reg.Nos.TN 72AK 6932 and TN 72 BQ 5970 with a load of ½ unit limestone worth about Rs.2000/- was found without any valid permit. Hence, a case has been registered against the petitioners.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are no way connected with the offence. He would further submit that the co-accused namely, Murugesapandian was granted an anticipatory bail in Cr.M.P.No.4208/2020 dated 13.10.2020, by the learned Principal District and Sessions Judge, Tirunelveli. He would further submit that the petitioners 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 the petitioners are drivers of the offended vehicles. Al was granted bail by the learned Principal District and Sessions Judge, Tirunelveli.

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, Alangulam 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/-
25/01/2021

/ TRUE COPY /

/ /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, ALANGULAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SEETHARPANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.V.SORIMUTHU, Advocate (SR-550[I] dated 29/01/2021)

+1 CC to M/s.V.SORIMUTHU, Advocate (SR-482[I] dated 27/01/2021)

ORDER IN
CRL OP(MD) No.1016 of 2021
Date : 25/01/2021

VRN

TK/VR/SAB 1/04/02.2021/3P/8C
<https://hcservices.courts.gov.in/hcservices>