



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP (MD) . No.1418 of 2021

1. K.Vayakadusamy
2. P.Azhagar
3. V.Viyakumar

... Petitioners/Accused No.1 to 3

Vs

The State Rep. by
The Inspector of Police,
C-2 Subaramniyapuram Police Station,
Madurai.

Crime No.37 of 2021

... Respondent/Complainant

For Petitioners : Mr.Balamurugan. P, 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.37 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., and Section 21(1) of Mines and Minerals Development Regulations Act, in Crime No. 37 of 2021, on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on the basis of secret information, the police party went to the place at Madakulam Kanmai, Muniyandipuram Village on 24.01.2021 at about 1.30 a.m., at that time, JCB vehicle and one lorry being Registration No.TN-76-W-1936 was involving in theft of sand by two unknown persons. While seeing the Police party, the accused persons run away from the place of occurrence. Hence, the case has been registered against the petitioners.



4.The learned counsel appearing for the petitioners submitted that the petitioners never committed any offence as alleged by the prosecution and A1 in this case is the owner of the vehicle and for statistical purpose, a false case has been foisted against the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioners 2 and 3 are drivers and first petitioner is the owner of the vehicle and without any valid permission, they made an attempt to transport the Cravel Sand.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the 1st petitioner / A1 shall draw a demand draft in favour of **The Dean, Government Rajaji Hospital, Madurai, for a sum of Rs.15,000/- (Rupees Fifteen Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft, 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 on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, 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:

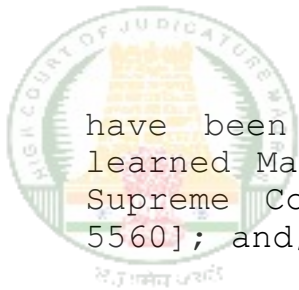
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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/-
08/02/2021

/ 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 No.IV, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
C-2 SUBARAMNIYAPURAM POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

+1 CC to Mr.P.BALAMURUGAN, Advocate (SR-848[I] dated 10/02/2021)

ORDER IN
CRL OP(MD) No.1418 of 2021
Date :08/02/2021