



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

Date : 17/02/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)Nos.1782 & 1393 of 2021

Crl.O.P. (MD)No.1782 of 2021:

Mohanan ... Petitioner/Accused No.2

Vs.

The State rep.by
The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No. 37 of 2021. ... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate.

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

Crl.O.P. (MD)No.1393 of 2021:

Promothirajan ... Petitioner/Accused No.1

Vs.

The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No. 37 of 2021. ... Complainant/Respondent

For Petitioner : Mr.G.Aravinthan
Advocate

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

PETITIONS 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

<https://hcservices.ecourts.gov.in/hcservices/>



COMMON ORDER : The Court made the following common order :-

The petitioners, who were arrayed as A1 & A2 apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals Act, in Crime No.37 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 22.01.2020, when the defacto complainant patrolling, had seen the petitioners broke the rock by using tractor compressor machine. Hence, a complaint has been registered.

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. He further submitted that one Advocate, namely Mr.D.Karthikeyan, admitted in the hospital for kidney transplantation and hence, the petitioners are willing and ready to contribute some amount for the treatment of the above said Advocate. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioner in Crl.O.P.(MD)No.1393 of 2021 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the account of Mr.D.Karthikeyan(Canara bank Account No.1012101043080, Tallakulam Branch, IFSC Code No.CNRB0001012) and the petitioner in Crl.O.P.(MD)No.1782 of 2021 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the account of Mr.D.Karthikeyan(Canara bank Account No.1012101043080, Tallakulam Branch, IFSC Code No.CNRB0001012) without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of amount to the Magistrate while executing sureties.

7.On producing proof of the same, 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 No.I, Kuzhithurai, Kanyakumari District, on condition that 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) 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 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/-

17/02/2021

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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 No.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3.THE SUB INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.

4.THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.G.Aravinthan, Advocate SR.No.1190

ORDER

IN

CRL OP (MD) Nos.1782 & 1393 of 2021

Date :17/02/2021

GNS

AE/VR/SAR-II (23/02/2021) 4P / 7C