



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1976 & 1986 of 2021

CRL OP(MD) . No.1976 of 2021:

1. Murali
2. Natarajan @ Nataraj ... Petitioners/Accused No.1 & 2
Vs

State Rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.68/2021). ... Respondent/Complainant

For Petitioners : Mr.M.Seeni Sulthan, Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.68/2021 on the file of the Respondent police.

CRL OP(MD) . No.1986 of 2021:

S.Nanthakumar ... Petitioner/Sole Accused
Vs

State Rep.by
The Inspector of Police,
Vangal Police Station,
Karur District.
Crime No.69 of 2021. ... Respondent/Complainant

For Petitioner : Mr.M.Seeni Sulthan, Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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



PRAYER :- For Anticipatory Bail in Crime No.69 of 2021 on the file of the Respondent Police.

Common Order

The petitioners, who are the accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were said to have illegally transported ½ unit of river sand. Hence, the complaints have been registered.

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

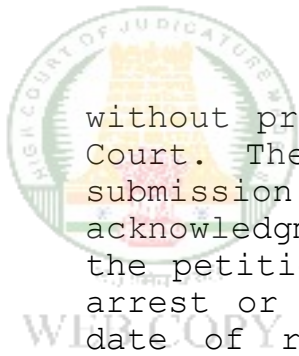
4.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are not having any bad antecedent. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioners.

6.It is seen that the defacto complainant is the Sub Inspector of Police in Crime Nos.68 and 69 of 2021. The case in Crime No.68 of 2021 came to be registered at about 09.00 p.m and the case in Crime No.69 of 2021 came to be registered at about 11.45 p.m. The contents of the complaints are identical and also the *modus operandi* of the petitioners could not be ascertained and the mahazars have been prepared with the police witnesses, since no public were available. On the other hand, in the F.I.Rs, the names of the petitioners are found, which caused some doubt in the manner, in which, the complaint came into existing.

7.Considering the above facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners shall draw a demand draft in favour of Dean, Government Hospital, Karur, for a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each (Totally a sum of RS.22,500/- (Rupees Twenty Two Thousand and Five Hundred 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. On acknowledgment of the same by the Dean, Government Hospital, Karur, 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 II, Karur, 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

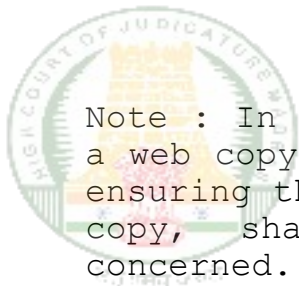
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
15/02/2021

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/ /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.

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- TO
1. THE JUDICIAL MAGISTRATE NO.II, KARUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE INSPECTOR OF POLICE,
VANGAL POLICE STATION, KARUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
GOVERNMENT HOSPITAL,
KARUR.

ORDER IN
CRL OP(MD). No.1976 & 1986 of 2021
Date :15/02/2021

Ls
MS/PN/SAR-3/19.02.2021/4P.6C