



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4443 of 2021

1. R.Ranjithkumar
2. K.Rengaraj
3. C.Sankar

... Petitioners/Accused 1 to 3

Vs

The State Rep. by
The Sub Inspector of Police,
Siruganur Police Station,
Tiruchirapalli District.
Ref:Crime No. 138/2021

... Respondent/Complainant

For Petitioners: Mr.Shanmugaraja Sethupathi.D.,
Advocate.

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

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

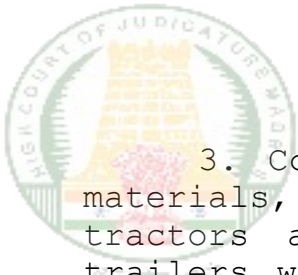
PRAYER :-

For Anticipatory Bail in Crime No.138 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., in Crime No.138 of 2021 on the file of the respondent
police, seek anticipatory bail.



3. Considering the rival submission and on a perusal of the materials, it is seen that the petitioners were found along with tractors and trailers near Upparu river, who were loading the trailers with sand. On seeking the Village Administrative Officer, they escaped from the scene of occurrence. Thereafter, the said Village Administrative Officer produced the vehicles and lodged the present complaint.

4. It is further seen that the petitioners engaged for work by one Manoharan, who was given work order to lay cement road and for which, he can use 10 units of river sand and the same can be taken from Upparu river as per to Block Development Officer's proceedings in Na.Ka.A2/2920/2019, dated 23.07.2020. Thereafter, the BDO also sent a communication to the Thasildar on 08.02.2021 that Manoharan shall transport sand from Upparu river. The petitioners were employed under Manoharan and on the belief that it is the Government work order, they engaged in transportation of sand. They petitioners only attempted to load the sand in the case.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 Judicial Magistrate, Lalkudi, Tiruchirappalli 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:

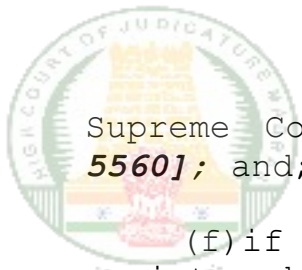
(a) The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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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.

TO

1. THE JUDICIAL MAGISTRATE,
LALGUDI,
TRICHIRAPPALLI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION,
TIRUCHIRAPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-2660[I] dated 29/03/2021)

ORDER
IN
CRL OP(MD) No.4443 of 2021
Date :26/03/2021

IAS
TE/JC : 01/04/2021 : 3P/6C