



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

Date : 08/06/2021

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.6889 of 2021

1. R.Pandi @ Kaluthai Pandi
2. Muthu
3. Sampathkumar
4. Thalaimalai
5. Pandi

... Petitioners/Accused Nos.1 to 5

Vs

The State Rep. by
The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam, Virudhunagar District.
Crime No.303 of 2020. ... Respondent/Complainant

For Petitioners : Mr.P.T.Thiraviam,
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Counsel (Crl.Side)

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

PRAYER :-

MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF THEIR ARREST BY THE RESPONDENT POLICE IN CONNECTION WITH CRIME No.303 OF 2020.

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC r/w Sections 4(1)(1-A) and 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.303 of 2020 on the file of the respondent police, and seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Counsel(Crl.side) for the respondent police.

3. The learned Government Counsel(Crl.side) for the respondent submitted that the petitioners 1, 2 & 5 are involved in the cases

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that are similar in nature. The fourth petitioner is having previous case that is only under Section 506 of IPC. The third petitioner is not having any previous case.

4. Taking note of the antecedents of the petitioners 1, 2 & 5, this Criminal Original Petition is dismissed as regards the petitioners 1, 2 & 5.

5. While declining to grant anticipatory bail for the petitioners 1, 2 & 5, this Court is inclined to grant anticipatory bail to the petitioners 3 & 4 on certain conditions.

6. Accordingly, the petitioners 3 & 4 are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners 3 & 4 shall appear before the learned Judicial Magistrate, Rajapalayam, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b] the petitioners 3 & 4 shall report before the respondent police as and when required for interrogation;

[c] the petitioners 3 & 4 shall not abscond either during investigation or trial;

[d] the petitioners 3 & 4 shall not tamper with evidence or witness 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 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners 3 & 4 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 abscond, a fresh FIR can be registered under Section 229A IPC.



7. This Criminal Original Petition is dismissed as regards the petitioners 1, 2 & 5. This Criminal Original Petition is allowed insofar as the petitioners 3 & 4 are concerned.

sd/-
08/06/2021

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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.

TO

- 1.THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6889 of 2021
Date :08/06/2021

rmi
AE/MNR/SAR-1/11.06.2021/3P/5C