



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

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7671 of 2021

1. Arumugam
2. Kanthaiah

... Petitioners/Accused 1 and 2

Vs

State rep.by
The Inspector of Police,
Thisayanvillai Police Station,
Tirunelveli District.
Crime No.422 of 2020.

... Respondent/Complainant

For Petitioners : Mr.M.Murugesan,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate(Crl.Side)

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

PRAYER:- For Anticipatory Bail in Crime No.422 of 2020 on the file of the Respondent Police.

ORDER: The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in crime No.422 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused are said to have illegally transported $\frac{3}{4}$ unit of river sand by using lorry. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them and hence, he would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that this is the second anticipatory bail petition and there is one previous case for similar offence pending as against the



5.Considering the facts and circumstances of the case and the fact that investigation is almost completed as stated by the learned Government Advocate and also considering the impact of COVID-19 pandemic situation and the consequent effect not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of general public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram, on condition that each of the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) 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.

[ii]the petitioners shall make a non-refundable deposit for a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only)each, to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Radhapuram.

iii) the petitioners shall report before the respondent police on every Monday 10.30 a.m for a period of one month and thereafter as and when required for interrogation.

iv)the petitioners shall not tamper with evidence or witness.

v) the petitioners shall not abscond during trial.

vi)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].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/06/2021

/ TRUE COPY /

WEB 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, RADHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THISAYANVILLAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7671 of 2021
Date :18/06/2021

TTA
MS/VR/SAR-3/23.06.2021/3P.6C