



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14375 of 2021

1.Senthilandavan
S/O.Chandrasekar

2.Satheesh Kumar,
S/O.Manivannan

... Petitioners/Accused 1 and 2

Vs

The Sub Inspector of Police,
Chettinad Police Station,
Sivagangai District.
(Crime No.79 of 2018)

... Respondent/Complainant

For Petitioners : M/s.K.P.Narayanakumar, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

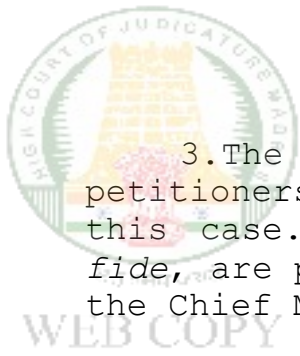
PRAYER :-

For Anticipatory Bail in Crime No.79 of 2018 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379, 468 and 471 IPC and Sections 21(4) of the Mines and Minerals (Development and Regulation) Act, in Crime No.79 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have transported three units of sand in taurus lorry with fake bills and therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. However, the petitioners in order to show their *bona fide*, are prepared to pay a sum of Rs.22,500/- each to the credit of the Chief Minister's Public Relief Fund.

4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted that the petitioners have transported three units of sand in taurus lorry with fake bills and they have not involved in any other offence.

5.Considering the nature of mineral, antecedent of petitioners and their willingness to pay certain amount to the credit of the Chief Minister's Public Relief Fund, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed on condition that petitioners each shall pay a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Karaikudi.

7.On production of such receipt / acknowledgment, 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, Karaikudi on condition that the petitioners each shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with the 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 are 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dsk

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, Karaikudi.
- 2.Do-Through The Chief Judicial Magistrate, Sivagangai District.
- 3.The Sub Inspector of Police,
Chettinad Police Station, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Chief Minister's Public Relief Fund,
Finance(CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

ORDER IN
CRL OP(MD)No.14375 of 2021
Date : 28.09.2021

TR/PN/SAR-IV(07.10.2021) 3P 6C

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