



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12903 of 2021

1.Kanthasamy

2.Panthalraj ... Petitioner/Accused Nos.2 & 3

Vs

The state represented by
The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
Cr. No.500 of 2021. ... Respondent/Complainant

For Petitioners : M/s.Ramaraj.C,
Advocate.

For Respondent : T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.500 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 & A3 apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Section
379 I.P.C, in Crime No.500 of 2021 on the file of the respondent
police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along
with others have illegally transported limestone by using tipper
lorry bearing Registration No.TN-34-Q-5281.

3.The learned counsel for the petitioners submits that the
petitioners are innocents, they have not committed any offence as
alleged by the prosecution, but they have been falsely implicated in
this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioners have illegally transported limestone worth about Rs.4,600/. He would further submit that the co-accused has been granted anticipatory bail by this Court in Crl.O.P(MD).No.10808 of 2021 on 06.08.2021.

WEB COPY

5.Considering the nature of mineral involved, the nature of allegation levelled against the petitioners and the fact that the co-accused has been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each 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 a.m 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 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/09/2021

/ TRUE 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,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
GUZILAMPARAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAMARAJ.C Advocate SR.No.6446

ORDER
IN
CRL OP(MD) No.12903 of 2021
Date :17/09/2021

SS/JM/SAR-III/29.09.2021 : 3P/6C