



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.15470 of 2021

1.Manikandan

2.B.Thiruppathikumar

... Petitioners/Accused No.3 & 4

Vs

The State represented by
the Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.169 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Kanagaraj

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

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

PRAYER :-

For Anticipatory Bail in Crime No.169 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Section
379 IPC in Crime No.169 of 2021, seek anticipatory bail.

2.The prosecution case is that the petitioners without
permission have transported one unit of clay in mini lorry. Hence
the complaint.

3.Learned Counsel for the petitioners submits that the
petitioners are innocents and have not committed any offence as
alleged by the prosecution, but, a false case has been foisted as
against them.

4.Learned Government Advocate (Crl Side) appearing for the
respondent police submitted that the petitioners without permission
have transported one unit of clay in mini lorry. He further



submitted that the petitioners have not involved in any other offence.

5. Considering the nature of mineral and antecedent of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is allowed and 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 No.III, Tirunelveli on condition that the petitioners 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 as and when required.

[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/-

08/10/2021

/ 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 NO.III,
TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.KANAGARAJ, Advocate (SR-7200[I] dated 12/10/2021)

ORDER

IN

CRL OP (MD) No.15470 of 2021

DATED:08.10.2021

VB/SKN/SAR-II/20.10.2021/3P/6C