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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.813 of 2022

1.Lakshmi
2.Sadhasivam

... Petitioners

Vs.

The State Rep. By Inspector of Police,
Palladam Police Station
Tiruppur District.
(Crime No.1798 of 2020)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest or on their appearance before any court in connection with case in Crime No.1798 of 2020 pending investigation on the file of the respondent police.

For Petitioners:M/s.R.Prabakar

For Respondent :Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offences under Section 379 IPC in Crime No.1798 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police conducted vehicle check up, the lorries belonging to the petitioners were intercepted by the respondent police. The petitioners were transporting the sand without any permit from the concerned authorities. While inquiring the details, the drivers of the vehicles fled from the spot. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any such offences as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the



petitioners, on their volition, are ready and willing to contribute a sum of Rs.20,000/- each to any Charitable purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioners.

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4.The learned Additional Public Prosecutor raised objections and stated that A2 and A4 are the owners of the Lorries. They transported 6 units of sand illegally, without any permission from the authorities. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the petitioners have wilfully and on their own volition agreed to contribute a sum of Rs.20,000/- each for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court, Palladam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, 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 conditions that:

[a] the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) each to The United Home for the Adult mentally ill, 96A, Sathy Main Road, Kurumbalayam (Via S.S.Kulam), Coimbatore District, Contact No.0422-2667424, 2667636, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

[b] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police on Tuesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 has 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE UNITED HOME FOR THE ADULT MENTALLY ILL,
96A, SATHY MAIN ROAD, KURUMBALAYAM
(VIA S.S.KULAM), COIMBATORE DISTRICT,
CONTACT NO.0422-2667424, 2667636

+1 CC to M/S. R.PRABAKAR Advocate on payment of necessary charges
SR.NO.682

CRL OP.813/2022

Date :12/01/2022

RW 21/01/2022