



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

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). Nos.16424, 16397, 16154 & 16254/2022

WEB COPY

Martin James ... Petitioner/8th Accused
in Crl.OP(MD)No.16424 of 2022

1.Babu
2.Ganesan ... Petitioners/Accused No.7&10
in Crl.OP(MD)No.16397 of 2022

Rajan ... Petitioner/Accused No.6
in Crl.OP(MD)No.16154 of 2022

1.Muthulakshmi
2.Gandhirajan
3.Joswa @ Joshua
4.Karunakara Moorthi
5.Kumar ... Petitioners/Accused No.4,5,9,11&12
in Crl.OP(MD)No.16254 of 2022

Vs

The State Rep. By,
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
Crime No.210 of 2022. ... Respondent/Complainant
in all petitions

For Petitioners :

In Crl.OP(MD)No.16424 of 2022 - Mr.Lenin Kumar T,
Advocate
In Crl.OP(MD)No.16397 & 16154 of 2022 - Mr.Susikumar C
Advocate
In Crl.OP(MD)No.16254 of 2022 - Mr.Rajeshwararan K
Advocate

For Respondent :

In all cases : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITIONS FOR BAIL & ANTICIPATORY BAIL
Under Sec.439 & 438 of Cr.P.C.

COMMON PRAYER :-

For Bail & Anticipatory Bail in Crime No.210 of 2022 on the
file of the Respondent Police.

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COMMON ORDER : The Court made the following order :-

The petitioners/Accused A8, A7, A10 in CrI.OP(MD)Nos.16424 & 16397 of 2022, who were arrested on 01.09.2022 for the alleged offence punishable under Sections 465, 468, 470, 471, 379 I.P.C, in Crime No.210 of 2022, on the file of the respondent police, seeks bail. The petitioners/Accused A6, A4, A5, A9, A11 & A12 in CrI.OP(MD)Nos.16154 & 16254 of 2022, apprehending arrest at the hands of the respondent police in the said Crime No.210 of 2022, seek anticipatory bail.

2.The case of prosecution is that the accused persons forged the transport permit and they committed theft of gravel in seven lorries. Hence, the complaint.

3.On the side of petitioners, it is stated that the petitioner in CrI.OP(MD)No.16424 of 2022 was arrayed as A8, the petitioners in CrI.OP(MD)No.16397 of 2022 were arrayed as A7, 10, the petitioner in CrI.OP(MD)No.16154 of 2022 was arrayed as A6 and the petitioner in CrI.OP(MD)No.16254 of 2022 were arrayed as A4, A5, A9, A11 & A12, in this case. The petitioners are drivers and loadman in the quarry and they were no way connected with the forging of transport permit. It was the quarry owners/A1, A2, who gave them permit and they did not know anything other than it. The A7, A8, A10 are in custody from 01.09.2022. Hence, prays to release the petitioners.

4.On the side of prosecution, it is stated that A1, A2 are the lease owners, A3 to A6 are the owners of the vehicles and A7 to A12 are the drivers/loadmen. They transported gravel sand, as of, they have permit to transport Karambaisand within Tuticorin District only. The accused persons have transported contraband outside Thoothukudi. The alleged vehicles were seized in Tirunelveli District. The accused persons are aware that they are doing illegal activity. The A7 is having three previous cases, one is under Gambling Act and other two cases are under IPC offences. Hence, prays to dismiss all the petitions.

5.Considering the nature of the offence and that the petitioners are only drivers and load men and considering that the major part was played only by A1, A2, who are the quarry owners and considering that most of the accused are uneducated and downtrodden people and also considering the period of incarceration, this Court is inclined to grant bail and anticipatory bail to the petitioners with the following conditions.

- The petitioners /Accused A8, A7, A10 in CrI.OP(MD)Nos.16424 & 16397 of 2022 are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.



i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioners /Accused A8, A7, A10 shall report before the respondent police daily at 10.30 a.m for a period of two weeks;

iii) the petitioners /Accused A8, A7, A10 shall not tamper with evidence or witness;

iv) the petitioners /Accused A8, A7, A10 shall appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners /Accused A8, A7, A10 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];

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

- The petitioners/Accused A6, A4, A5, A9, A11 & A12 in CrI.OP(MD) Nos.16154 & 16254 of 2022 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 No.III, Tirunelveli, on condition that the petitioners 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 learned Magistrate concerned and on further conditions that:

(i) the petitioners/Accused A6, A4, A5, A9, A11 & A12 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;

(ii) the petitioners/Accused A6, A4, A5, A9, A11 & A12 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(iii) the petitioners/Accused A6, A4, A5, A9, A11 & A12 shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners/Accused A6, A4, A5, A9, A11 & A12 shall be present before the Court on hearing dates and before the respondent police as and when required;

(v) 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 petitioners/Accused A6, A4, A5, A9, A11 & A12 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;

(vi) if the accused/ petitioners/Accused A6, A4, A5, A9, A11 & A12 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. Accordingly, these Criminal Original Petitions are allowed.

sd/-
15/09/2022

/ TRUE COPY /

15/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

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

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5. THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-10075[I] dated 15/09/2022)

+1. CC to M/S.K.RAJESHWARAN, Advocate (SR-10074(I), 15.09.2022)

ORDER
IN
CRL OP(MD) . Nos.16424,
16397, 16154 & 16254/2022
Date :15/09/2022

PNM
USK/VRS/SAR-III/15.09.2022/4P/9C

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