



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

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18029 of 2022

WEB COPY

1.Thirupathi

2.Selvam @ Petchimuthu

... Petitioners/Accused Nos.2 & 3

Vs

State rep by

The Inspector of Police,
Chokkampatti Police Station,

Tenkasi District.

Cr. No. 211/2022.

... Respondent/Complainant

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

For Respondent : Mr.M.Sakthi Kumar

Govt. Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.211 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC, in Crime No.211 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the accused had illegally transported one unit of sand from Therkku Odai in a Tractor bearing Registration No.TN-76M-9680 with Trailer without any valid permit. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the second anticipatory bail application. The earlier application filed by the petitioners in Crl.O.P.(MD)No.16096 of 2022, was dismissed on 07.09.2022. He further submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the first petitioner is having one previous case and the second petitioner is having four previous



5. Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 Judicial Magistrate, Tenkasi, 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) Each petitioner shall pay a sum of **Rs.5,000- (Rupees Five Thousand only)** to the credit of **Aishwaryam Trust (Account No:- 6639017788, IFSC Code:- IDIB000T032, Indian Bank, Thirunagar Branch, Madurai)**, within a period of two weeks without prejudice to their rights and contentions before the trial Court. The petitioners shall execute the sureties on showing the receipt of the said amount.

(c) the petitioners shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.**, for a period of four weeks, and thereafter, as and when required for interrogation.

(d) the petitioners shall not tamper with the 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 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;

(g) if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2022

/ TRUE COPY /

/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE, TENKASI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.

4 THE OFFICER INCHARGE, AISHWARYAM TRUST, THIRUNAGAR,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18029 of 2022

Date :07/10/2022

vsm

RS/SVR/SAR. (10.10.2022) 3P-6C