



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20241 of 2022

1. S.Selvam

2. G. Prasad

... Petitioners/A2 & A3

Vs

The State represented by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.333of 2022)

... Respondent/Complainant

For Petitioners : M/s.Muthukamatchi.V,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

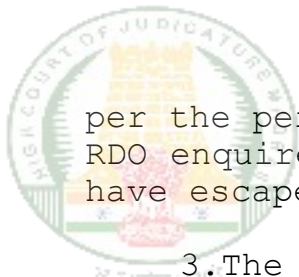
PRAYER :-

For Anticipatory Bail in Crime No.333/2022 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 offences punishable under Section 379 of
IPC and Section 21(1) of Mines and Minerals (Development and
Regulation) Act, in Crime No.333 of 2022, on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.09.2022, the
defacto complainant, who is the Village Administrative Officer,
Kallai Village, received a call from Thogaimalai Assistant Village
Administrative Officer that the RDO Kulithalai has told to check the
lorry, which is going towards Manaparai with Granite and thereafter,
the lorry was standing with granite in Manaparai-Kulithalai Road,
bearing Registration No.TN-28-AJ-1910. When the RDO and Tashildar
came to the spot and inspected the vehicle, at that time, A1 and A2
have the permit, which was given by Dindigul AD Mines and as



per the permit, the lorry has to go from Dindigul to Madura. The RDO enquire why they have come in this way, at that time, A1 and A2 have escaped from the spot. Hence, the complaint.

3.The learned counsel for the petitioners would submit that A1 and A2 drove the vehicle in alternative way carrying granite load with proper permit, as the maintenance work of Karikali to Gujiliyamparai road was going on. Since it is very difficult to drove the vehicle in the said way to reach Dindigul, they had taken diversion on road to Dindigul through Manapparai. He would further submit that the petitioners have valid permit to transport the Granite and the first accused was arrested and released on bail. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners are not having any previous case and the co-accused was already released on bail. He would further submit that investigation in this case is not yet completed and hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the nature of the offence and also the facts that the petitioners are not having any bad antecedents and the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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.I, kulithalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/11/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOGAMALAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MUTHUKAMATCHI V Advocate SR.No.13053

ORDER

IN

CRL OP(MD) No.20241 of 2022

Date :15/11/2022

SS/VR/SAR /24.11.2022/ 3P/ 6C