



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.81 of 2023

S.Karnan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Kollidam Police Station,
Trichy District.
(Crime No.239 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Kannan R.R.,
Advocate.

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

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

PRAYER :-

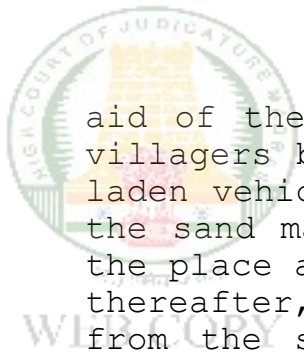
For Anticipatory Bail in Crime No.239 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 353 and 506(1) of I.P.C., in Crime No.239 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Thirunavukarasu, is that on secret information, he went to Uthamaseeli area and had found some persons taking two units of river sand in a Bolero Pickup Vehicle bearing Registration No.TN-57-AS-3008 and he had seized the vehicle and when he tried to bring it to the police station, the accused had formed into an unlawful assembly and had threatened him not to take the vehicle and also prevented him from discharging his official duties. Hence, the case.

3.The learned counsel for the petitioner would submit that the respondents were indulging in commission of theft of sand with the



aid of the local police and on 01.11.2022, the petitioner and the villagers belonging to the Uthamaseeli Village had stopped two sand laden vehicles from going away from the river bed and at that time, the sand mafia had contacted the police and the police had come to the place and they had indulged in lathi charge on the villagers and thereafter, they have allowed the sand mafia to take one vehicle from the scene of occurrence. Later, a false complaint has been given as if the petitioner has prevented the police from taking the Bolero Pickup vehicle which was loaded with sand. He would further submit that none of the accused persons are owners of the Bolero vehicle and that they have been unnecessarily roped in in this case. He would further submit that based on the complaint given by the villagers to the Superior Officers, the Deputy Superintendent of Police of Lalgudi has also been transferred. He would further submit that the petitioner does not have any previous case against him. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the Sub-Inspector of Police, during his usual rounds, had found the Bolero Pickup Vehicle loaded with two units of river sand and when the respondent police had taken away the vehicle to the police station, the petitioner and the villagers surrounded him and prevented him from taking the vehicle and also discharging his official duties. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the FIR.

6.Taking into consideration of the facts and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Srirangam, Trichy District, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders.



[c] the petitioner shall not tamper with evidence or either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[e] 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/01/2023

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/01/2023

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

SJI

TO

1.THE JUDICIAL MAGISTRATE, SRIRANGAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE SUB INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.KANNAN R.R., Advocate (SR-136[I] dated 04/01/2023)

ORDER

IN

CRL OP(MD) No.81 of 2023

Date :04/01/2023

RK/VR/SAR-2 (12/01/2023) 3P/6C