



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18437 of 2021

S.MURALI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVAURUR DISTRICT
CRIME NO.995 OF 2021

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZH SELVAKUMAR, Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 of IPC and 21(1) Mines and Minerals (Development and Regulation) Act 1957 in Crime No.995 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were involved in illegal transportation of 45 gunny bags of sand which belongs to Arulmigu Somanatha Swami Temple land, Achudhamangalam, Nannilam Taluk, Thiruvarur District without valid permission. Based on the complaint made by the Executive Officer, . Arulmigu Somanatha Swami Temple land, Achudhamangalam, Nannilam Taluk, Thiruvarur District, the law enforcing agency registered the case against the petitioner.



3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions he further submits that without prejudice to his defence and contentions, the petitioner on his own volition, is willing to contribute a sum of Rs.10,000/- for the purpose of lighting lamp in the Arulmigu Somanatha Swami Temple, Achudhamangalam, Nannilam Taluk, Thiruvarur District. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that the petitioner along with other accused were involved in illegal transportation of 45 gunny bags of sand which belongs to Arulmigu Somanatha Swami Temple land. Achudhamangalam, Nannilam Taluk, Thiruvarur District.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay contribute a sum of Rs.10,000/- for charitable purpose, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nannilam 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non-refundable deposit of Rs.10,000/- to the credit of " The Executive Officer, Arulmigu Somanatha Swami Temple land. Achudhamangalam, Nannilam Taluk, Thiruvarur District, for lighting lamp in the said temple under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(c) 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;



(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

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

-sd/-
04/10/2021

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

TRUE COPY

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

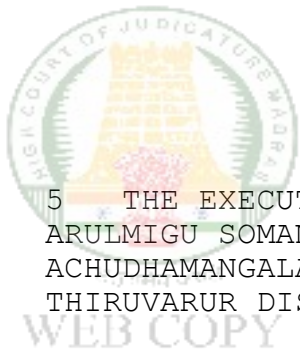
TO

1 THE JUDICIAL MAGISTRATE COURT,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
NANNILAM POLICE STATION,
THIRUVARUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE EXECUTIVE OFFICER,
ARULMIGU SOMANATHA SWAMI TEMPLE LAND,
ACHUDHAMANGALAM, NANNILAM TALUK,
THIRUVARUR DISTRICT,

CC to M/S.P.MUTHAMIZH SELVAKUMAR, Advocate on payment of
necessary charges

CRL OP.18437/2021

Date :04/10/2021

JPA 12/10/2021