



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

Date : 15/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9344 of 2021

Manchamalai

... Petitioner/Sole Accused

Vs

The State rep.by
Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District,
Crime No. 108 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.R.Laxman, Advocate.

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

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

PRAYER :-

F or Anticipatory Bail in Crime No.108 of 2021 on the file of the Respondent Police to enlarge the petitioner on bail in the event of arrest or upon his surrender under Crime No.108 of 2021, on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.108 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 02.03.2021, at about 22.30 hours, when the defacto complainant along with Police party were engaged in vehicle check, they found a lorry bearing registration No.TN 30 U 2757 came from Kamuthi. They stopped the lorry and found it contained sand. The lorry driver showed certain documents. The documents showed that the sand was meant for construction of Medical College, Ramanathapuram. However, it is found that instead of taking sand to Ramanathapuram, it was taken for selling to private individuals. When the Police asked the



driver to come Police Station, he escaped from there. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. In fact, he got permission from the District Collector, Ramanthapuram for taking sand in survey No.269, Mandalamanikkam Village, Kamuthi Taluk, Ramanathapuram District. He also produced copy of the permit transit slip for taking sand by using lorry bearing registration No.TN 30 U 2757. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.It is seen from FIR that at the time of stopping of lorry and search, the lorry driver produced documents for transporting sand. The only allegation against the accused in this case is that instead of taking sand to Ramanathapuram Government Hospital for the construction of Ramanathapuram Medical College, the accused had taken the sand for selling it to private persons. It is matter for enquiry during trial. As of now, there are enough documents available for removal and transportation of the sand with permission of District Collector. Considering all these factors and the fact that material witnesses in this case are official witness, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram 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 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 respondent police daily at 10.30 am., until further orders.

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



[d]the petitioner 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.R.LAXMAN Advocate SR.No.4603

ORDER
IN
CRL OP(MD) No.9344 of 2021
Date :15/07/2021

SA/SRS/SAR.2/19.07.2021/3P/6C