



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.14581 of 2021

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Senthil Murugan,
S/o.Subbiah,
5/15, North Street,
Manakkarai,
Srivaikundam,
Thoothukudi District.

... Petitioner/Accused-2

Vs

The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
Cr.No. 76 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Suresh Kumar.P,
Advocate.

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

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

PRAYER:-

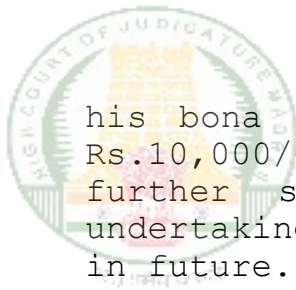
For Anticipatory Bail in Crime No.76 of 2021 on the file of the Respondent Police.

ORDER: The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.76 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused illegally transported two units of gravel sand by using Tipper Lorry. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that this is the second anticipatory bail application and the earlier application was dismissed on the ground that the petitioner is having five previous cases. But, actually the petitioner is having two previous cases only and a false representation has been made. However, to show



his bona fide, the petitioner has come forward to pay a sum of Rs.10,000/- to the credit of Chief Minister's Public Relief Fund. He further submitted that the petitioner is ready to file an undertaking affidavit stating that he will not indulge any offence in future. Therefore, he seeks anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner and other accused have transported two units of gravel sand illegally by using Tipper Lorry. He further submitted that the petitioner has involved in five cases, in which, three cases were disposed of and two cases are pending against the petitioner.

5.Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.10,000/- to the credit of Chief Minister's Public Relief Fund and file an undertaking affidavit that he would not indulge in such offence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.1, Thoothukudi.

7.On production of such receipt/acknowledgment, 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 No.1, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m and 05.30 p.m., until further orders.

[c] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.



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

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

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[f]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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/09/2021

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
- 2.-DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
THATTPARAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE OFFICER INCHARGE,
CHIEF MINISTERS PUBLIC RELIEF FUND (CMPRF),
SECRETARIAT, CHENNAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.14581 of 2021
Date : 29/09/2021

RS/PN/SAR2 (13.10.2021) 3P 6C