



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16142 of 2021

Thirumurugan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.701 of 2021).

... Respondent/Complainant

For Petitioner : M/s.K.Navaneetharaja, Advocate.

For Respondent : M/s.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.701 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 Sections 294(b), 353, 284, 506(ii) of IPC and Section 24(1) of Tobacco Act, 2003, in Crime No.701 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 13.09.2021, the defacto complainant, who is the Sub Inspector of Police, attached to the respondent police, was in vehicle check up and at that time, an auto bearing Reg.No.TN 65K 6725 arrived to the spot. When the defacto complainant tried to check the auto, the petitioner along with A1, who is the prime accused, threatened him with iron rod and abused him in filthy language. Thereafter, the defacto complainant arrested the first accused and when he searched the bags, it is



found that the accused illegally transported tobacco products. Hence, the complaint.

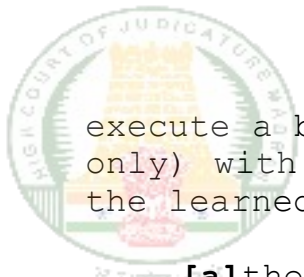
3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the earlier application filed by this petitioner was dismissed on 17.09.2021 in Crl.O.P. (MD).No.13737 of 2021 on the ground that the petitioner is having three previous cases. But actually two cases are only pending against the petitioner and one case ended in acquittal. He would further submit that the petitioner filed an undertaking affidavit that he will not indulge any offence in future and also he is prepared to pay a sum of Rs.25,000/- to any organization as directed by this Court.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Considering the facts and the circumstance of this case, the antecedent of the petitioner and his willingness to pay a sum of Rs.25,000/-, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that **the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in favour of the District Green Committee, Ramanathapuram District**, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Aranthangi.

6. The District Green Committee, which was formed as per the Government Order in G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department, dated 02.07.2021, pursuant to the directions of this Court in W.P.No.11094 of 2021, shall utilize the amount paid by the petitioner for plantation of trees on either side of the road, tree guard, drip irrigation, manure, etc., with public participation, including, NGOs, Confederation of Industries, Rotary Clubs, Lions Clubs, School Students, College Students, Self Help Groups, labours under MGNREGS and any other volunteers, etc., to achieve 100% survival rate of the planted trees. The State Green Committee shall extend their support in this regard by recommending the correct variety / species of trees, in accordance with the soil type and climatic conditions and also for the maintenance. The maintenance of the trees planted has to be reviewed by the District Green Committee, after two years and necessary appreciations have to be made to the stakeholders concerned in the form of certificates.

7. On production of receipt / acknowledgement for having paid the amount before the District Green Committee, 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.II, Ramanathapuram, 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., 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 the investigation or trial.

[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/-
25/10/2021

/ TRUE COPY /

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

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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.



1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE OFFICER INCHARGE,
THE DISTRICT GREEN COMMITTEE,
RAMANATHAPURAM.
5. THE OFFICER INCHARGE,
THE STATE GREEN COMMITTEE,
RAMANATHAPURAM.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16142 of 2021
Date :25/10/2021

SP/JM/SAR II/11/11/2021/4P/7C