



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18967 of 2021

Moorthy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Crime No. 105/2021.

... Respondent/Complainant

For Petitioner : M/s.ARIYANATCHI, Advocate
for Mr.R.RAVI, Advocate.

For Respondent : Mr.S.MANIKANDAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 105 of 2021 on the file of the Respondent police.

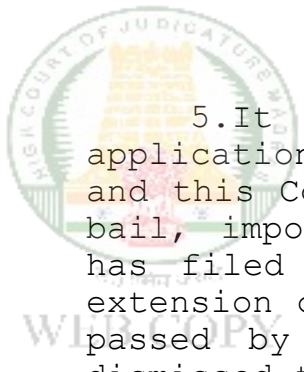
ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and 21(1) of Mines and Mineral (Development and Regulation) Act, 1957, in Crime No.105 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported ½ unit of gravel sand by using JCB vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that he also got anticipatory bail from this Court and that the petitioner without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that this petitioner already got anticipatory bail from this Court and petitioner is having one previous case at his credit.



5.It is not in dispute that the petitioner has filed an application in Crl.OP(MD)No.6631 of 2021, seeking anticipatory bail and this Court vide order dated 12.05.2021 has granted anticipatory bail, imposing certain conditions and subsequently the petitioner has filed another petition in Crl.MP(MD)No.7397 of 2021, seeking extension of time to comply with the condition imposed in the order passed by this Court in Crl.OP(MD)No.6631 of 2021. This Court dismissed the said petition, with liberty to file a fresh petition, if so advised. In pursuance of the same, this petition is filed.

6.Considering the facts and circumstances of the case and the fact that this petitioner is not having previous cases for serious offence except one case for similar offence and that the petitioner had already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate No.I, Ramanathapuram.

8.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.I, 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 respondent Police or to the Police Officer, who intends to arrest or 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, for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/12/2021

/ 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 NO.I
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPULLANI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM

**ORDER
IN**

CRL OP(MD) No.18967 of 2021
Date :02/12/2021

SA/PN/SAR.2/08.12.2021/3P/6C