



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

( Criminal Jurisdiction )

Date : 15/11/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD) . No.17243 of 2021**

WEB COPY

Bala @ Balamuralikrishna.

... Petitioner/Accused No.1

Vs

State rep. by

The Inspector of Police,  
Kenikarai Police Station,  
In Cr.No.556 of 2021,  
Ramanathapuram District.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,  
Advocate.

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.side)

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

PRAYER :-

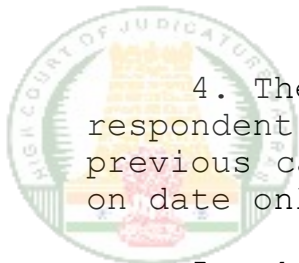
For Anticipatory Bail in Crime No.556 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals Development and Regulation Act 1957 and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.556 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused illegally loaded sand by using JCB and Tractor with Trailer along with Two Wheelers and also damaged the pond. After seeing the defacto complainant, the petitioner and other accused fled away from the occurrence place. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. In the FIR, the defacto complainant mentioned that the petitioner is only the owner of the vehicle, but the offending vehicle was used by the third accused on hire basis and he has no knowledge about the vehicle used for the commission of offence.



4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is having three previous case. Out of three cases, one case has been closed and as on date only two cases are pending as against the petitioner.

5. The earlier application filed by the petitioner in Crl.O.P (MD)No.12867 of 2021 was dismissed by this Court on 13.09.2021 on the ground that the petitioner is having three previous cases. Today when the matter came up for hearing, the learned Government Advocate (Crl.side) appearing for the respondent submitted that one case, which was pending against the petitioner, has been closed and as on date, only two cases are pending against the petitioner.

6. Considering the facts and circumstances of the case and also considering the submission of the learned Government Advocate that out of three previous cases pending against the petitioner, one case was closed, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or 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 a.m., until further orders.

(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]***; and;



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

sd/-

15/11/2021

/ TRUE COPY /

WEB 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. JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
3. THE INSPECTOR OF POLICE,  
KENIKARAI POLICE STATION,
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP (MD) No.17243 of 2021

Date : 15/11/2021

MGJ/CN/SAR IV (19.11.2021) 3P 5C