



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

Date : 14/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19767 of 2021

Mathi @ Mathiarasan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.286 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.286 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 21(1) of Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.286 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner along with other accused transported ½ unit of river sand by using a Tractor. Hence, the complaint.

4. This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 29.10.2021, considering the conduct of the petitioner in filing two anticipatory bail petitions by engaging two different counsel and the suppression of the earlier bail petition.



5.Now, the learned counsel for the petitioner submits that the petitioner has realized his mistake and also paid a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Advocate Welfare Association. The online transaction receipt is also produced before this Court.

6.Considering the fact that the petitioner realized his mistake and he has also deposited a sum of Rs.10,000/- to the Advocate Welfare Association and in view of the subsequent development, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate Court, Thiruvadaanai, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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., 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]**.

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

sd/-
14/12/2021

/ 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.

WEB COPY

TO

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

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-9313[I] dated 15/12/2021)

ORDER

IN

CRL OP(MD) No.19767 of 2021

Date :14/12/2021

VRN

MS/JC/SAR-3/21.12.2021/3P.6C