



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6767 of 2022

MARUTHAHASAN @ MANIKANDAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
ULUNDURPETTAI POLICE STATION,  
KALLAKURICHI.

(CRIME NO.389 OF 2021

For Petitioner : M/S. K.VIJAYARAGAVAN Advocate

For Respondent : MR.S.UDAYAKUMAR, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 IPC in Cr.No.389 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported one unit of river sand by using tipper lorry, without obtaining proper license. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Though the petitioner's earlier bail application was dismissed in Crl.O.P.NO.16745 and 22607/2021, since the co-accused were enlarged on anticipatory bail in Crl.O.P.No.6279/2022 vide order dated 21.03.2022, the learned counsel for the petitioner prays for grant of anticipatory bail. However, on instructions, the learned counsel for the petitioner submits that the petitioner, on his own volition, is ready and willing to pay the sum of Rs.25,000/- without prejudice to his rights before the lower court.



4. The learned Government Advocate (Crl.Side) submitted that the co-accused have been granted anticipatory bail before this Court.

5. Considering the facts and circumstances of the case, this Court is of the opinion that the petitioner earlier filed two bail petitions before this Court, and both the bail petitions were dismissed. However, since the co-accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner herein.

6. Accordingly, 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, Ulundurpet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cr.No.389/2021 on the file of the respondent, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to his defence before the trial Court. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-

24/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.I, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
ULUNDURPETTAI POLICE STATION,  
KALLAKURICHI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. K.VIJAYARAGAVAN Advocate on payment of necessary charges

CRL OP.6767/2022

Date :24/03/2022

CSK 29/03/2022