



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.802 of 2022

Muniyasamy,

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Cr.No. 127 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Venkateswaran, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.127 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 Sections 379 IPC and Section 21(1) of Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.127 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that on 07.05.2021, the petitioner illegally transported half unit of sand. Hence, the



4. This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 19.08.2021 & 02.12.2021 on the ground that four previous cases are pending against him.

5. Now, the learned counsel appearing for the petitioner has come forward with an affidavit that this petitioner to show his bonafide, he has done some social work, like removal of karuvelam trees in the Aappanoor Government Primary Health Centre and Aappanoor Government High School, cleaning of channel in Aadhi Dravidar Colony by engaging JCB and executed work to the tune of Rs.51,480/-. He produced the photographs and the certificates issued by the authorities.

6. Considering the submission made by the learned counsel for the petitioner, 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 District Munsif cum Judicial Magistrate, Kadaladi 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/-
09/02/2022

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/ /2022

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

VRN

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

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-926[I] dated 09/02/2022)

ORDER
IN
CRL OP(MD) No.802 of 2022
Date :09/02/2022

PKP/JM/SAR-3/15.02.2022/3P/6C