



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

Tuesday, the First day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.3041 of 2022

N.VIGNESHWARAN

... PETITIONER/ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.1243/2020)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. VENKATESAN.S, Advocate
For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.1243/2020 ON THE FILE OF
THE RESPONDENT POLICE.

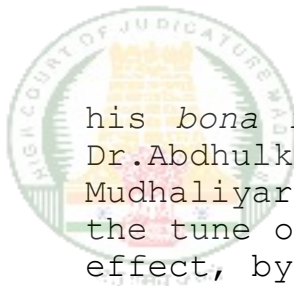
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1243 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported half unit of river sand by using bolero pickup van. Hence, the present case has been registered.

3.This is the third anticipatory bail petition. The earlier anticipatory bail petitions were dismissed by this Court on 19.08.2021 and 20.01.2022, on the ground that the petitioner is involved in five other cases.

4.The learned counsel appearing for the petitioner submits that the petitioner is a public spirited person and he is also involved in social welfare activities. However, this case has been falsely



his *bona fide*, even now has donated a Bureau, Table and Bench to Dr.Abdhulkalam Library and to an Anganvadi Maiyam in Karuppa Mudhaliyarkottai Village, Papanasam Taluk, Thanjavur District, to the tune of Rs.50,000/-. He also produced certain materials to that effect, by way of filing typed set of papers.

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5.The learned Government Advocate (Crl. Side), on instructions from the respondent Police, has also confirmed the same.

6.Considering the facts and circumstances of the case and also considering the conduct of the petitioner in donating some materials to a Library and Anganwadi Maiyam, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed. 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 Court, Papanasam, 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 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 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]** and

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

sd/-

01/03/2022

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/ /2022

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.

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.VENKATESAN, Advocate (SR-1628[I] dated 02/03/2022)

ORDER
IN
CRL OP(MD) No.3041 of 2022
Date :01/03/2022

RS/PN/SAR.3(10.03.2022) 3P-6C