



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5669 of 2022

Murugan @ Ice Murugan,

... Petitioner/Accused No.1

Vs

The State Rep by,
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No. 25/2020.

... Respondent/Complainant

For Petitioner : MR.P.Ganapathi Subramanian, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

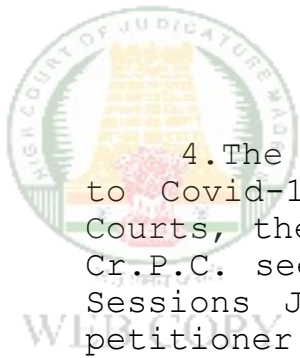
For Anticipatory Bail in Crime No. 25 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 307, 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.25 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had attempted to transport river sand illegally. Hence, the complaint.

3.It is not in dispute that the petitioner has earlier filed an application in Cr.M.P.No.1680 of 2020 before the Principal Sessions Judge, Pudukkottai seeking bail and the Principal Sessions Judge, vide order dated 08.05.2020, has granted interim bail to the petitioner on 09.06.2020.



4.The learned counsel for the petitioner would submit that due to Covid-19 pandemic restrictions and non-functioning of regular Courts, the petitioner has filed an application under Section 439 of Cr.P.C. seeking extension of interim bail and the learned Principal Sessions Judge has returned the petition on the ground that the petitioner was not in judicial custody.

5.It is not in dispute the petitioner was earlier detained under Goondas Act and subsequently, the same was revoked by the Government in G.O.Rt.No.1863, dated 23.04.2020.

6.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the petitioner and other accused had attempted to transport river sand illegally. He would further submit that the investigation is almost completed.

7.Considering the facts and circumstances of the case and also the fact that the co-accused were already granted anticipatory bail and that the investigation is almost completed as stated by the learned Government Advocate (Crl. side)), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, 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 respondent Police or to the Police Officer, who intends to arrest or 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 daily at 10.30 a.m., for a period of one month and thereafter, 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]**.

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

sd/-
28/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-2729[I])

ORDER
IN
CRL OP(MD) No.5669 of 2022
Date :28/03/2022

PKP/PN/SAR-4/06.04.2022/3P/6C