



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 29.03.2022  
PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.5703 of 2022

1. Manikandan @ Suresh
2. Antony

... Petitioners/  
Accused 1 & 2

**Vs**

State represented through  
The Sub-Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli.

(Crime No.58 of 2022)

... Respondent/Complainant

For Petitioners: Mr.N.SHYLLAPPA KALYAN,  
Advocate.

For Respondent : Mr.R.SIVAKUMAR,  
Government Advocate (Crl. Side).

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

**PRAYER :-** For Anticipatory Bail in Crime No.58 of 2022 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.58 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 11.03.2022, the petitioners have illegally transported 2 units of saral sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their right, is ready to deposit the amount that may be imposed by this Court.

4.When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) would submit that the second petitioner was arrested. Hence, this petition is dismissed as infructuous as against the second petitioner concerned.



5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner is not having any previous cases.

6.Considering the above and also the nature of the charges levelled against the first petitioner and also the fact that the first petitioner is not having any previous cases for similar offence, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, the first petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the District Mineral Foundation Trust, Tirunelveli District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.5, Tirunelveli.

8.On production of such receipt/acknowledgment, the first 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.5, Tirunelveli, on condition that the first 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 first 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 first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the first petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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/-  
29/03/2022

/ TRUE COPY /

WEB COPY

/ /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.

**TO**

- 1 THE JUDICIAL MAGISTRATE NO.5  
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3 THE SUB-INSPECTOR OF POLICE,  
MUNNEERPALLAM POLICE STATION,  
TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**COPY TO:**

THE OFFICER INCHARGE  
DISTRICT MINERAL FOUNDATION TRUST,  
TIRUNELVELI DISTRICT.

**ORDER  
IN**

CRL OP(MD) No.5703 of 2022  
Date :29/03/2022

SA/VR/SAR.2/01.04.2022/3P/6C