



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6015 of 2022

1. Mari
2. Maharajan

... Petitioners/Accused 4 & 5

Vs

The State represented by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.68 of 2022)

... Respondent/Complainant

For Petitioners: Mr.T.LENIN KUMAR,
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.68 of 2022 on the file of the Respondent police.

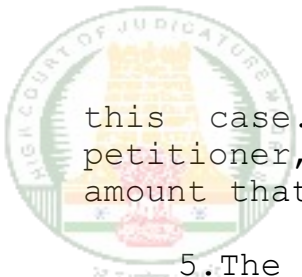
ORDER : The Court made the following order :-

The petitioners/A.4 & A.5, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC, in Crime No.68 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 28.03.2022, the petitioners along with other accused have illegally transported 6 units of red sand by using lorry. Hence, the complaint.

3.The learned counsel for the petitioners seeks permission of this Court to withdraw this petition as against the first petitioner. Permission is granted. Accordingly, this petition is dismissed as withdrawn as against the first petitioner concerned.

4.The learned counsel for the petitioners would submit that the second petitioner is innocent and he has been falsely implicated in



this case. However, he would further submit that the second petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have transported 6 units of river sand illegally. He would further submit that the accused 1 to 3 were already arrested and released on bail by the learned Principal Sessions Court, Tirunelveli, by directing them to deposit a sum of Rs.10,000/- each.

6.Considering the above and also the nature of the charges levelled against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7.Accordingly, the second petitioner shall deposit 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.I, Tirunelveli.

8.On production of such receipt/acknowledgment, the second 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, Tirunelveli, on condition that the second 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 second 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 second 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 second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-

18/04/2022

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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.I
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to M/S.LENIN KUMAR.T., Advocate SR.No.3462

ORDER

IN

CRL OP(MD) No.6015 of 2022

Date :18/04/2022

SA/JM/SAR.1/26.04.2022/3P/7C