



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2022

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PRESENT

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

CRL OP(MD) . No.7104 of 2022

Muneeswaran

... Petitioner/Accused No.1

Vs

The State through
The Inspector of Police,
Kovilangulam Police Station,
Ramnad District.
(Crime No.62 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.B.Muneeswaran,
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.62 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 353, 269, 270, 271 and 279 IPC r/w Section 179 of MV Act and Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.62 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.05.2021, the petitioner along with other accused have illegally transported ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed an application in Crl.O.P.(MD)No.7331 of 2021 seeking anticipatory bail and this Court has granted anticipatory bail vide order dated 08.06.2021 by imposing certain conditions. He would further submit that since the offence under



Section 353 IPC was not included in the petition, he has filed an application seeking amendment in that regard and this Court vide order dated 10.08.2021 has dismissed the same and that thereafter he was constrained to file the present application.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has transported ½ unit of river sand illegally. He would further submit that the petitioner is having one previous case for similar offence.

5.Considering the above facts and circumstances and also the fact that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of **Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only)** to the credit of the District Mineral Foundation Trust, Ramnad District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Kamuthi, Ramnad District.

7.On production of such receipt/acknowledgment, 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 learned Judicial Magistrate, Kamuthi, Ramnad District, 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 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 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/-
21/04/2022

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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.

TO

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

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMNAD DISTRICT.

+1. CC to MR.B.MUNEESWARAN, Advocate SR.No.19985.

ORDER
IN
CRL OP(MD) No.7104 of 2022
Date :21/04/2022

CSM
MK/PN/SAR.IV/26.04.2022/3P/7C