



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18132 of 2022

Ranjith ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
(Crime No.285/2021).

... Respondent/Complainant

For Petitioner : M/s.Mahendrarajan.B, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.285/2021 on the file of the respondent police.

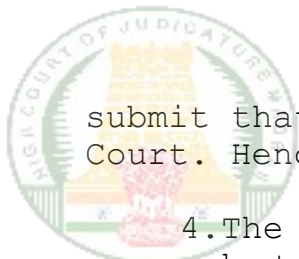
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.285 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.05.2022, the petitioner has illegally transported one and a half unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. This is the second anticipatory bail application. Earlier petition filed by the petitioner in Crl.OP(MD)No.18871 of 2021 was dismissed by this Court on 13.12.2021. However, he would further

<https://www.mca.gov.in>



submit that the petitioner shall abide any condition imposed by the Court. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner has transported one and a half unit of river sand illegally and he is having three previous cases for similar offence. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only)** to the credit of **Claretian Mercy Home, Azhagusirai, Ponnangalam (post) Thirumangalam Taluk, Madurai District, Union Bank of India, Kochadai Account No. 493902010319538, IFSC Code No. UBIN 0549398) (Phone Nos. 04549-294901 & 8098672866)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the **(*)learned Judicial Magistrate, Duraiyur, Trichy District.**

7. On production of such receipt, 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, Duraiyur, Trichy District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioner shall not tamper with 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 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/-
13/10/2022

(*) Corrected as per orders of this
Hon'ble Court in CRL OP(MD) No.18132/2022
dated 15/11/2022

Time is extended for further two weeks
for executing sureties, from the date of
receipt of a copy of the amended order.

/ TRUE COPY /

/11/2022

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

DSS

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

TO BE SUBSTITUTED WITH THE ORDER DATED 13/10/2022 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE,
DURAIYUR, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE JUDICIAL MAGISTRATE,
DURAIYUR, PUDUKOTTAI DISTRICT.
4. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.



5. THE INSPECTOR OF POLICE,
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE, CLARETIAN MERCY HOME,
AZHAGUSIRAI, PONNAMANGALAM (POST),
THIRUMANGALAM TALUK, MADURAI DISTRICT.

ORDER

IN

CRL OP(MD) No.18132 of 2022

Date :13/10/2022

SP/SSS/SAR I/20/10/2022/3P/6C
SJI
PKP/SSS/SAR-2/28.11.2022/4P/8C