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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD). No.18486 of 2022

1. Murugesan @ Murugesh
2. Balasubramanian

... Petitioners/Accused Nos.3 & 4

Vs

The State rep.by,
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No.33 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Vidhya Sagar S,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.33/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Crime No.33 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported two units of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have already filed a petition in Crl.O.P.(MD)No.17171 of 2021 and this Court vide order dated 02.11.2021, has granted anticipatory bail to the petitioner by imposing certain conditions and subsequently, extension of time was granted by this Court in three times. He would further submit that the petitioners are coolie workers, they are not in a position to deposit the amount and

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



He would further submit that A1 and A2 were already released on bail. Hence, the petitioners are constrained to file the above application.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners and other accused have transported two units of river sand illegally. He would further submit that the petitioners have not complied with the earlier order of this Court, dated 02.11.2021. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the submissions made by the learned counsel on either side and also considering the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only) each 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 their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Tirunelveli.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

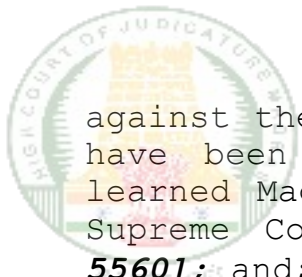
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 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.

+1 CC to M/s.S.VIDHYA SAGAR, Advocate (SR-11624[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18486 of 2022

Date :18/10/2022

SJI

MK/GB/SAR.II/31.10.2022/3P/7C