



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.396 of 2023

WEB COPY

Arumugam

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.
(in Cr.No.251 of 2022)

...Respondent/Complainant

Chandrasekaran

... Petitioner/Internener/Victim
in Crl MP(MD) No.948 of 2023

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.251 of 2022.

For Petitioner : Mr.B.Viswanathan, Advocate.

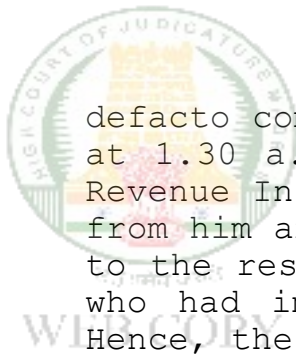
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

For Intervenor : Mr.P.P.Alwin Balan, Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 341, 170, 417, 506(1) of IPC in Crime No.251 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant T.R.Swaminathan is that on 20.12.2022 at 2 a.m he received a phone call that some persons have illegally taken lime stones and thereby the defaco complainant along with Tahsildar had gone to Punga water stream near Palayam to Aravakurichi Road and at that place, there was a lorry bearing Registration No TN-34-Z-8985 loaded with 15 tons of calcite crystals. He had enquired and the driver had informed him that he had taken lime stones from the Moorur Village, Sangagiri Taluk to Palayam SMS mines quarry and due to bad quality of the said



defacto complainant had demanded the permit and he had info: at at 1.30 a.m 2 persons came in a car and they impersonated as the Revenue Inspector and Tahsildar and grabbed the permit and lorry key from him and thereby the defacto complainant had given the complaint to the respondent police seeking to take action against the persons who had impersonated as the Tahsildar and the Revenue Inspector. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and a false complaint has been given against him and the petitioner is a resident of Karumparaipatti Village and certain persons in collusion with local officials were doing illegal quarrying in the Village and thereby the petitioner and other villagers have given complaint for taking action against them. The officials who were colluding with the antisocial elements were waiting for an opportunity to take action against the petitioner. While so the fact remains that based on an earlier complaint given by the very same defacto complainant, a case in Crime No.250 of 2022 came to be registered by the same respondent police for the offence under Section 21(1) of Mines and Minerals Regulation Development act, 1957, wherein the very same allegations have been stated and in that complaint, the Tahsildar has stated that when he had asked for the permit the Driver had gone in his Two Wheeler and had brought the lorry permit and lorry key and handed it over to him. Whereas strangely on the same set of facts a false complaint has been given against the petitioner as if he has impersonated as a Tahsildar. He would further submit that the petitioner has not impersonated as Government Officials as alleged by the prosecution. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the accused have impersonated as the Tahsildar and Revenue Inspector and had taken the permit from the driver of the offending vehicle. He would object for the grant of anticipatory bail.

5. The learned counsel for the intervenor would submit that the accused claiming themselves to be the Tahsildar had taken the permit from the defacto complainant and he opposes for grant of anticipatory bail to the petitioner.

6. Heard. Perused the materials available on record including the FIR in Crime No.250 of 2022 and 251 of 2022 registered by the respondent police on the complaint of the very same defacto complainant.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on <https://www.hc.in/judice> in the event of arrest or on his appearance, within a period of



fifteen days from the date on which the order copy made, before the learned Judicial Magistrate, Vendasandur, Dindigul 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m for a period of one week and thereafter as and when required for interrogation;

[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 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 229A IPC.

sd/-

12/01/2023

/ TRUE COPY /

/01/2023

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

CM

TO

1 THE JUDICIAL MAGISTRATE,
VEDASANDUR,
DINDIGUL DISTRICT.

2 -DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
GUZILIAMPARAI POLICE STATION,
DINDIGUL DISTRICT.

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



CRL.O.P(MD)



23

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

WEB COPY

VA/MMS/SAR-2/30.01.2023/4P/5C

ORDER

IN

CRL OP (MD) No.396 of 2023

Date :12/01/2023