



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.02.2023
PRESENT
THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.3246 of 2023

WEB COPY

M.Merlin Jeba Singh

...Petitioner/Accused No.2

-vs-

The State represented by
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar, Virudhunagar District.
(in Cr.No.24 of 2023)

...Respondent/Complainant

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.24 of 2023.

For Petitioner	: Mr.KA.Ramakrishnan
For Respondent	: Mr.M.Veeranthiran
	Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 379 of IPC and Section 21(1) of TNMMDR Act in Crime No.24 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 02.02.2023, the accused persons were found to be in illegal transportation of rough stones by using a lorry. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that petitioner other than being the driver of the vehicle, has nothing to do with the alleged offence and the owner of the vehicle has been arrested and released on bail. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that on 02.02.2023 the accused persons were found to be in illegal transportation of rough stones by using a lorry. He would also submit that the owner of the vehicle has been arrested and released on bail. However, he would object for grant of anticipatory bail to the petitioner.



5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Rajapalayam, Virudhunagar 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 two weeks and thereafter, every Saturday 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 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/-

21/02/2023

/ TRUE COPY /

/02/2023

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

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.RAAMAKRISHNAN KA Advocate SR.No.2745

ORDER
IN
CRL OP (MD) No.3246 of 2023
Date :21/02/2023

MGJ/CG/SAR I/27/02/2023/3P/5C