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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9974 of 2023

R.S.Rajeesh ... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.146/2023) ... Respondent/Complainant

For Petitioner : M/s.Vignesh N, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-
For Anticipatory Bail in Crime No.146 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 506(2), 269 and 270 of I.P.C., Rule 4 of Bio Medical Management Rule, 2016, Rule 8 of Plastic Wastage Management Rule, 2016 and Section 3 of Epidemic Disease Act, 1897 in Crime No.146 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.05.2023 at 03.30 p.m., based on the secret information, when the de-facto complainant namely, Regional Health Supervisor, Nettur and other officials went to Alangulam to Tirunelveli Main Road, near TASMAC backside, they found Bharath Benz lorry bearing Reg.No.KL-21-U-3709. A1 and A2 were standing nearby lorry. When the de-facto complainant intercepted A1 and A2 about the transport of medical waste and plastic waste from Kerala to Tamil Nadu in order to dispose the same, which are hazardous to public, for that A1 and A2 abused them in filthy language and threatened them with dire consequences and prevented them from discharging their duty. Further, A1 stated that the

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petitioner is the owner of the vehicle and his instance he transports the same. Based upon the said alleged statement of A1, the petitioner was arrayed as A3.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that there are five accused involved in this case, in which, the petitioner is arrayed as A3, who is the owner of the lorry. The other accused persons were taken the bio medical waste in the lorry bearing Reg.No.KL-21-U-3709 owned by the petitioner herein in order to dispose the same, which are hazardous to the Tamil Nadu public. The other accused were already arrested and released on bail. Insofar as the petitioner is concerned, he is the owner of the lorry.

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

6.Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, Alangulam.

7.On production of such receipt/acknowledgment, 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 Court, Alangulam, 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 file an undertaking affidavit before the learned Magistrate that he will not indulge in similar type of offences again, while furnishing sureties. Failing which, the anticipatory bail already granted shall stands dismissed automatically

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[c] the petitioner shall report before the respondent police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2023

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/06/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE, ALANGULAM.
2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3 THE INSPECTOR OF POLICE, ALANGULAM POLICE STATION,
TENKASI DISTRICT.
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND (CMPRF),
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI - 9.

+1 CC to M/s.N.VIGNESH, Advocate (SR-8393[I] dated 09/06/2023)

ORDER IN
CRL OP(MD) No.9974 of 2023
Date :08/06/2023

RS/CG/SAR-(14.06.2023) 3P 7C

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