



**IN THE COURT OF VACATION SESSIONS JUDGE,  
(PRINCIPAL SESSIONS COURT) RAMANATHAPURAM.**

**PRESENT: THIRU.S.KUMARAGURU, B.L.,  
Vacation Sessions Judge,  
Principal Sessions Judge,  
Ramanathapuram.**

**Thursday, the 23<sup>rd</sup> day of May 2024**

**CrI.M.P.No.176/2024  
(CNR No. TNRM-01-000194-2024)**

Balamurugan, (aged 32)  
S/o.Ramaraj.

...Petitioner/Accused No.2

/vs/

State, through the Inspector of Police,  
Kamuthi P.S.,  
**Cr.No.144/2024**

...Respondent/Complainant

Petition dated 21.05.2024 U/s.438 Cr.P.C. to grant anticipatory bail.

This petition is coming on this day for hearing before me, in the presence of Thiru.S.Chellamani, B.A., B.L., the learned Counsel for the petitioner and Thiru. B.Karthikeyan, B.A., B.L., the learned Public Prosecutor for the State and upon hearing both side arguments, this Court passed the following:

**ORDER**

The petitioner is the accused in Cr.No.144/2024 of Kamuthi P.S. The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable U/s. 294(b), 353, 506(ii) IPC and Sec.21(1) of MMDR Act, has filed



this petition seeking to release him on anticipatory bail.

2. The prosecution case is that, the defacto complainant is a Village Administrative Officer. Based on an information received over phone about illegal transportation of gravel sand, she directed her Assistant to go to the occurrence place on 06.04.2024 at about 11.30 a.m and found that there was 5 tipper lorries and unnumbered Hitachi vehicle parked without sand and he warned the Hitachi vehicle driver. The petitioner allegedly intimidated the Assistant of the VAO and tried to assault him. A1 came there in a 4 wheeler and he said that he has rights quarry. When the defacto complainant went to the occurrence, all the vehicles were taken away from the occurrence place and was parked in the opposite area located in Virudhunagar District, when she questioned about that, A1 threatened her. Hence the charge.

3. The learned Counsel for the petitioner has contended that, the petitioner has been falsely implicated in this case. Further he has contended that the occurrence took place on 06.04.2024 and complaint was lodged on 27.04.2024. There is no such occurrence as alleged on the date of occurrence. Property has already been secured by the respondent police. Most of the investigation has been completed. Co-accused was released on anticipatory bail by this Court in CrI.M.P.No.10/2024 dated 10.05.2024. If the petitioner is released on anticipatory bail, he will not tamper the



witnesses. Hence this petition is to be allowed.

4. The learned Public Prosecutor has contended that, the occurrence took place on 06.04.2024 and FIR was registered on 27.04.2024. The defacto complainant is a VAO. There are totally 2 accused involved in this case and the petitioner is arrayed as A2 and he is the driver of the vehicle. A1 has already released on anticipatory bail by this Court in CrI.M.P.No.10/2024 dated 10.05.2024. Material part of the witnesses has already been examined. No properties have been seized from the occurrence place or the petitioner. No previous case is pending against the petitioner.

5. After taking into consideration of both sides learned Counsels arguments and on perusal of records, it is found that, the occurrence took place on 06.04.2024 and FIR was registered on 27.04.2024. The defacto complainant is a VAO. There are totally 2 accused involved in this case and the petitioner is arrayed as A2 and he is the driver of the vehicle. A1 has already released on anticipatory bail by this Court in CrI.M.P.No.10/2024 dated 10.05.2024. Material part of the witnesses has already been examined. No properties have been seized from the occurrence place or the petitioner. No previous case is pending against the petitioner. In these circumstances, if the petitioner is released on anticipatory bail, no prejudice will cause to the prosecution side. Nature and circumstances, release of co-accused are considered by



this Court and come to the conclusion that the petitioner is entitled to get anticipatory bail on payment with the following conditions:-

i) that in the event of arrest of the petitioner by the respondent police or on his surrender before the learned **District Musnif-cum-Judicial Magistrate, Kamuthi** within 15 days from the date of this order and on such arrest or surrender the petitioner is ordered to be enlarged on anticipatory bail on his execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned **District Musnif-cum-Judicial Magistrate, Kamuthi**; If the petitioner/accused is not surrendered within 15 days from the date of this order, this anticipatory bail order stand cancelled automatically;

ii) that the petitioner shall produce undertaking affidavit that he shall not involve in similar type of offence in future at the time furnishing sureties;

iii) that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;

iv) that the petitioner shall report before the respondent police daily at **10.30 a.m until further orders** and on further condition that he shall make available himself for interrogation as and when required by the investigation Officer;

v) that the petitioner shall not tamper with evidence or witnesses either during investigation or trial;



vi) that the petitioner shall not abscond either during investigation or trial;

viii) that 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**;

ix) If the accused thereafter absconds, a fresh FIR can be registered U/s.229 A IPC

**Pronounced by me in open Court this the 23<sup>rd</sup> day of May 2024.**

S  
KUMARAGURU

Digitally signed by  
S KUMARAGURU  
Date: 2024.05.23  
21:18:05 +0530

Vacation Sessions Judge,  
Ramanathapuram  
23.05.2024

Copy sent through e-mail:

To  
The District Musnif-cum-Judicial Magistrate, Kamuthi.  
The Public Prosecutor, Ramanathapuram.  
The Inspector of Police, Kamuthi P.S.  
The Petitioner through his Counsel.



**IN THE COURT OF VACATION SESSIONS JUDGE, (PRINCIPAL  
SESSIONS COURT) RAMANATHAPURAM.**

**PRESENT: THIRU.S.KUMARAGURU, B.L.,  
Vacation Sessions Judge,  
Principal Sessions Judge,  
Ramanathapuram.**

**Thursday, the 23<sup>rd</sup> day of May 2024**

**CrI.M.P.No.223/2024  
(CNR No. TNRM-01-000243-2024)**

1. Karthick @ Sethupathi Karthikeyan, (aged 35)  
S/o. Vairamani.

2. Santhose @ Santhoshnathan, ( aged 26),  
S/o. Subiramaniyan.

...Petitioners/Accused No.1, 2

/vs/

State, through the Inspector of Police,  
Thiruppalaikudi P.S.,  
**Cr.No.104/2024**

...Respondent/Complainant

Petition dated 21.05.2024 U/s.438 Cr.P.C. to grant anticipatory bail.

This petition is coming on this day for hearing before me, in the presence of Thiru.V.Sunil Malhotra, B.Com., B.L., the learned Counsel for the petitioners and Thiru. B.Karthikeyan, B.A., B.L., the learned Public Prosecutor for the State and upon hearing both side arguments, this Court passed the following:

**ORDER**

The petitioners are the accused in Cr.No.104/2024 of Thiruppalaikudi P.S. The



petitioners who apprehend arrest at the hands of the respondent police for the offences punishable U/s.379 IPC and Sec.21(4) of MMDR Act, have filed this petition seeking to release them on anticipatory bail.

2. The prosecution case is that, defacto complainant is the Assistant Director of Mines and Mineral Department. Based on information, on 16.05.2024 at about 2.30 p.m, the defacto complainant and Special Revenue Inspector went to the occurrence place and found that the petitioners have illegally transported one unit of ordinary sand each vehicle for constructing a Marriage Hall at Uppur on ECR Road in a Tractor bearing Reg.No.65 AP 6694 along with Trailer and another Tractor bearing Reg.No.TN 65 AA 0627 along with Trailer without permission from the competent authorities. Properties involved in this case have seized by the respondent police. Hence the charge.

3. The learned Counsel for the petitioners has contended that, the petitioners have been falsely implicated in this case and they are in no way connect with the offence. Further he has contended that the properties have been already secured by the respondent police. Further he would submit that the petitioner is not a owner of the Tractor bearing Reg.No.65 AP 6694 and its copy of RC book is produced. The respondent police has falsely included his name in FIR. Most of the investigation has already been completed. If the petitioners are released on anticipatory bail, they will



not tamper the witnesses. Hence this petition is to be allowed.

4. The learned Public Prosecutor has contended that there are totally 4 accused involved in this case. The petitioners are arrayed as A1 and A2. Others are still absconding. The petitioners and others have illegally transported one unit of ordinary sand each vehicle for constructing a Marriage Hall at Uppoor without permission from the competent authorities. The properties involved in this case have already been secured by the respondent police. Further he would submit that the learned Counsel for the petitioner that the 1<sup>st</sup> petitioner is not a owner of the Tractor bearing Reg.No.TN .65 AP 6694, its RC book is stands in the name of FPG A R Mangalam. Not registered the name of the owner. Further he would submit that material part of the witnesses has already been examined by the respondent police. One previous case is pending against the 1<sup>st</sup> petitioner and no previous case is pending against the 2<sup>nd</sup> petitioner.

5. After taking into consideration of both sides learned Counsels arguments and on perusal of records, it is found that the petitioners are arrayed as A1 and A2. Others are still absconding. The petitioners and others have illegally transported one unit of ordinary sand each vehicle for constructing a Marriage Hall at Uppoor without permission from the competent authorities. The properties involved in this case have already been secured by the respondent police. The learned Counsel for





the petitioner contention is that the 1<sup>st</sup> petitioner is not a owner of the Tractor bearing Reg.No.TN .65 AP 6694 and its copy of RC book is submitted. On perusal of the RC book, it stands in the name of FPG A R Mangalam. Not registered in the name of owner. Hence the learned Counsel for the petitioners contentions is not acceptable one. Material part of the witnesses has already been examined by the respondent police. One previous case is pending against the 1<sup>st</sup> petitioner and no previous case is pending against the 2<sup>nd</sup> petitioner. If the petitioners are released on anticipatory bail, no prejudice will cause to the prosecution side. Nature and circumstances are considered by this Court and come to the conclusion petitioners are entitled to get anticipatory bail on payment of cost with the following conditions:-

i) that in the event of arrest of the petitioners by the respondent police or on their surrender before the learned **Judicial Magistrate, Thiruvadanai** within 15 days from the date of this order and on such arrest or surrender the petitioners are ordered to be enlarged on anticipatory bail on their execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the learned **Judicial Magistrate concerned**; If the petitioners/accused are not surrendered within 15 days from the date of this order, this anticipatory bail order stand cancelled automatically;



ii) Before execution of bond, **the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non-refundable deposit to the Credit of District Mediation Centre, Ramanathapuram;**

iii) **that the petitioners shall produce undertaking affidavit that they shall not involve in similar type of offence in future at the time furnishing sureties;**

iv) that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;

v) that the petitioners shall **report before the respondent police daily twice at 10.30 a.m and 5.00 p.m until further orders** and on further condition that they shall make available themselves for interrogation as and when required by the investigation Officer;

vi) that the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

vii) that the petitioners shall not abscond either during investigation or trial

viii) that 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

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**Hon'ble Supreme Court in P.K.Shaji-vs- State of Kerala(2005) AIR SCW 5560);**

ix) If the accused thereafter abscond, a fresh FIR can be registered U/s.229 A  
IPC.

**Pronounced by me in open Court this the 23<sup>rd</sup> day of May 2024**

Digitally signed  
by S  
KUMARAGURU  
Date:  
2024.05.23  
21:18:20 +0530

Vacation Sessions Judge,  
Ramanathapuram  
23.05.2024

Copy sent through e-mail:

To  
The Judicial Magistrate, Thiruvadanai.  
The Public Prosecutor, Ramanathapuram,  
The Inspector of Police, Thiruppalaikudi P.S.  
The Petitioners through their Counsel.  
The District Mediation Centre, Ramanathapuram.