IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13177 of 2018

THANGAMAGAN [PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]
INSPECTOR OF POLICE, F3,
AARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.198/2018

For Petitioner : M/S.S.SASIKUMAR Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 430 of IPC read with Section 21 (1) of Mines and Mineral (Development and Regulation) Act 1957 in Crime No.198 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported sand mines without getting permission from the concerned authorities, which has resulted in registration of this case.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence and he has falsely implicated in the above case.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has transported three units of sand mines in a lorry without getting any permit from the concerned authorities. It is further submitted that while the petitioner's Lorry was way laid by the respondent/Police, the petitioner stopped the lorry and escaped, but however she has conceded that no previous case is pending against the petitioner.

5.Taking into consideration of all the above said facts, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Ponneri 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) **the petitioner should deposit the sum of Rs.15,000/- before the learned Judicial Magistrate No.1, Ponneri.**

(ii) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].**

(viiy) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
F3, AARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges in SR.NO. 9454

CRL OP.13177/2018

Date :23/05/2018

MLT-28/05/2018