



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Sixth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21625 of 2018

1 MADHAVAN

2 LAKSHMI

... PETITIONERS / ACCUSED 1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
K.K. NAGAR POLICE STATION,
TRICHY CITY.
CRIME NO. 583/2018.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w 21(1) of the Tamilnadu Mines and Minerals Development and Regulation Act, 1957 in Crime No.583 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners was found in possession of three units sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit this Court already granted anticipatory bail to the petitioners, vide order dated 24.10.2018 made in Crl.O.P.(MD)No.18873 of 2018, with a condition that the petitioners should pay a sum of Rs.10,000/- and the petitioners also paid the said amount. The learned counsel appearing for the petitioners produced the payment receipt.

4.The learned Government Advocate (Crl.side) would submit that investigation is pending.



5. Taking into consideration the facts of the case and the submissions by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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 Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/12/2018

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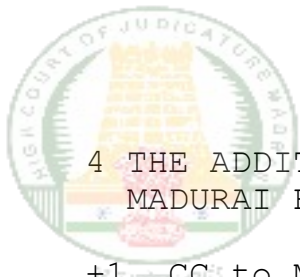
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE,
TRICHY.

3 THE INSPECTOR OF POLICE,
K.K. NAGAR POLICE STATION,
TRICHY CITY.



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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No. 22904

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ORDER

IN

CRL OP (MD) No.21625 of 2018

Date :06/12/2018

JM/PN AC/SAR 3/11.12.2018/3P/6C