



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21598 of 2018

1 RAJAMANI
2 MICHAEL RAJA

... PETITIONER / ACCUSED NO. 2 & 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
(CRIME .NO.493/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.SASI KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. 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 Section 379 of IPC and Section 10 of the Tamil Nadu Prevention of illegal Mining Transportation and storage of Mineral and Mineral Dealer Rules, 2011 in Cr.No.493 of 2018 seek anticipatory bail.

2. The case of the prosecution is that when the Village Administrative Officer inspected the house of the Michael Raj , two bags of river sand was found in the back yard which was taken from Nallikulam river and sold for profit.

3. The learned counsel for the petitioners would submit that a false case has been foisted against the petitioner. When A1 in this case was arrested and produced before the Magistrate for remand, the said Magistrate, refused to remand on the ground that no offence is made out.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner has stolen river sand and stored in the backyard of the house.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court 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, before the



learned Judicial Magistrate, Eraniel, Kanyakumari District 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 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 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/-
20/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT..
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.SASI KUMAR Advocate SR.No.23867
PS/JC/SAR-1/26.12.2018/2P/6C

ORDER
IN
CRL OP (MD) No.21598 of 2018
Date :20/12/2018