



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.21629 of 2018

MAHENDRAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 490/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PALANI VELAYUTHAM 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 petitioner apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC(Sand theft) in Crime No.490 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with others had illegally transported 4^{1/2} unit of sand.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with others had illegally transported sand. He would further submit that co- accused were granted anticipatory bail by this Court in Crl.O.P(MD) No.22364 of 2018 on 19.12.2018

5. Taking into consideration the facts of the case and the submissions by learned counsels this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Alangulam, Tirunelveli District condition that the petitioners 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 said Magistrate, on further



condition that:

[a] After depositing a non refundable of Rs.67,500/- before the concerned District Mineral Foundation Trust as per the order made in Crl.O.P(MD) No.22364 of 2018) the sureties can be accepted.

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

[c] the petitioner shall report before the respondent police 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 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, ALANGULAM, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, TIRUNELVELI DISTRICT.

+1. CC to Mr.S.PALANI VELAYUTHAM Advocate SR.No.23927
PS/VR/SAR-3/31.12.2018/2P/7C

ORDER

IN

CRL OP(MD) No.21629 of 2018
Date :20/12/2018