



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22351 of 2018

GOWTHAM,

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.162/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PANDIARAJAN 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 :-

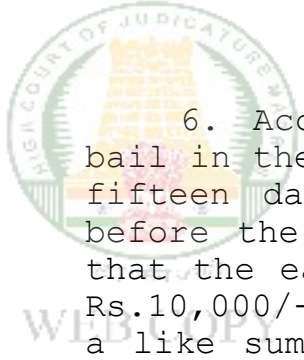
The petitioner, who apprehends arrest for the offences punishable under Section 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.162 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner committed theft of 1 unit of river sand.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 1 unit of river sand.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Sivagangai on condition that the each of 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] the petitioner shall report before the respondent daily at 10.30 a.m., until further orders.

[b] the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the Credit of Crime No.162 of 2018 before the concerned Magistrate.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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]**.

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

sd/-
19/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.



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

+1. CC to MR.M.PANDIARAJAN Advocate SR.No.23602

ORDER

IN

CRL OP(MD) No.22351 of 2018

Date :19/12/2018

AE/PN-AC/SAR3/31.12.2018/3P/6C