



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22402 of 2018

SANKAR @ SIVASANKAR

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PALANI CHETTIYAPATTI POLICE STATION,
THENI DISTRICT.
(IN CRIME NO. 709 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN 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, who apprehends arrest for the offences punishable under Section 379 of I.P.C. r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.709 of 2018, on the file of the respondent police, seeks anticipatory bail.

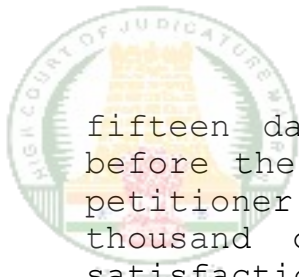
2. The case of the prosecution is that the petitioner committed theft of 2 ½ units of river sand.

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 2 ½ units 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, Theni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the said Magistrate, on further condition that:

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[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.37,500/- (Rupees Thirty Seven Thousand and Five Hundred Only) to the Credit of Crime No.709 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

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI
- 3 THE INSPECTOR OF POLICE
PALANI CHETTIYAPATTI POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.23590
PS/VR/SAR-3/31.12.2018/2P/6C