



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.22410 of 2018

1.MARIAPPAN

2 ESAKKIPANDIAN

... PETITIONER / ACCUSED Nos.3 & 4

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

(CRIME NO.98 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.ESAKKI PANDI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.98 of 2018, seeks anticipatory bail.

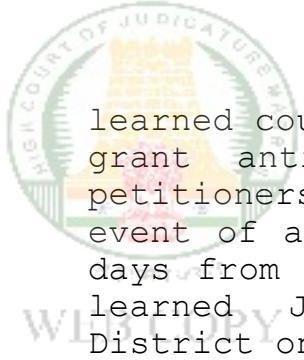
2. The case of the prosecution is that on 29.07.2018, the petitioners and other accused has illegally transported the river sand by using 407 vehicle. Hence the complaint.

3. The Learned Government Advocate(Criminal side) appearing for the respondent police submitted that the petitioner has already been granted anticipatory bail by this Court vide order dated 10.08.2018.

4. The learned counsel for the petitioners would submit that the 1st petitioner has been suffering from viral fever and heavy back pain and the 2nd petitioner concerned whose surety holder, his father was dead. Hence, the petitioners were unable to arrange solvent sureties and could not surrender before the concerned Court within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Taking into consideration the submissions made by the



learned counsel appearing on either sides, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on anticipatory 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 Court, Srivaikundam, Thoothukudi District 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] if the petitioners fails 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/-
19/12/2018

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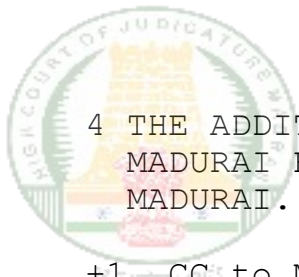
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

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

3. THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.



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

+1. CC to MR.S.ESAKKI PANDI, Advocate SR.No.23757

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ORDER

IN

CRL OP(MD) No.22410 of 2018

Date :19/12/2018

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