



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.22373 of 2018

1.K.PANJARAJ,
2 S.RAJKUMAR,
3 M.MUTHURAJA @ MACHARAJ, ... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
(IN CR.NO.666/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.ALAGARSAMY Advocate

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

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

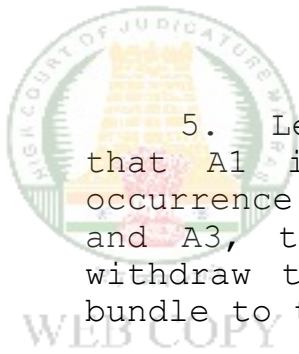
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the offences punishable under Section 379 of and 430 of IPC in Crime No.666 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners committed theft of one unit of river sand.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel for the petitioners further submitted that they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that prior to this case, A2 and A3 have committed similar offences and the same are pending investigation. He further submitted that the petitioners were found in possession of 1 unit of river sand.



5. Learned counsel appearing for the petitioners would submit that A1 is innocent and he has not indulged in any previous occurrence as alleged by the respondent police. With regard to A2 and A3, the learned counsel sought permission of this Court to withdraw the petitions and also made an endorsement in the Court bundle to that effect.

6. 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 A1.

7. Accordingly, the petitioner/A1 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 No.6, Madurai 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/A1 shall report before the respondent daily at 10.30 a.m., until further orders.

[b] the petitioner/A1 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the Credit of Crime No.666 of 2018 before the concerned Magistrate.

[c] the petitioner/A1 shall not abscond either during investigation or trial.

[d] the petitioner/A1 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/A1 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 A1 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

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

1.THE JUDICIAL MAGISTRATE NO.6,
MADURAI.



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

3. THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR.S.ALAGARSAMY Advocate SR.No.23696

ORDER

IN

CRL OP (MD) No.22373 of 2018

Date :19/12/2018

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