



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.22394 of 2018**

1.RAJESH,  
2 WILSON,

... PETITIONERS / ACCUSED No.3 & 4

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
THUCKALAY POLICE STATION,  
THUCKALAY,  
KANYAKUMARI DISTRICT.  
(CRIME NO.464/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.L.GEORGE PAUL ANTO 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 Sections 294(b), 353, 506(i), 379 of IPC and 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.464 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 three units 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 the petitioners were found in possession of three units of river sand.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on 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 No.I, Padmanabapuram, Kanyakumari 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] the petitioners shall report before the respondent daily at 10.30 a.m., until further orders.

[b] the petitioners are directed to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand Only) to the Credit of Crime No.464 of 2018 before the concerned Magistrate.

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

[d] the petitioners 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 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 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.I,  
PADMANABHAPURAM,  
KANYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE INSPECTOR OF POLICE,  
THUCKALAY POLICE STATION,  
THUCKALAY,  
KANYAKUMARI DISTRICT.

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

+1. CC to MR.L.GEORGE PAUL ANTO Advocate SR.No.23589

ORDER

IN

CRL OP (MD) No.22394 of 2018

Date :19/12/2018

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