



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22884 of 2018

RAMACHANDRAN

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION,
(IN CRIME NO. 223 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.JEGANATHAN FOR
M/S.VEERA ASSOCIATES Advocate

For Respondent : MR.R.ANANDHA RAJ,
Additional Public Prosecutor

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 offence punishable under Section 379 IPC r/w. Section 21(1) of Mines and Minerals Act, 1957 registered in Crime No.223 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported three units of sand.

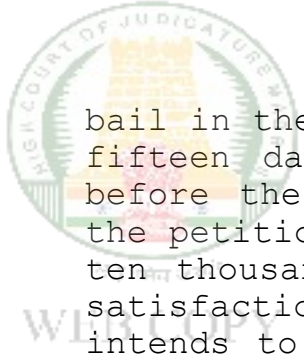
3.The learned counsel for the petitioner submitted that the co-accused was arrested and released on bail by the Principal Sessions Court, Tiruchirappalli with a condition to deposit a sum of Rs.30,000/-. He also submitted that the co-accused has also deposited the said amount.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

5.Considering the facts and circumstances of the case and also the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

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

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, Lalgudi on condition that the petitioner 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall make a non refundable deposit of **Rs.30,000/- (Rupees Thirty thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(iii) the petitioner shall report before the respondent police as and when required for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/12/2018

/ TRUE COPY /

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

TO



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

3. THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.

4. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

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

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.24178

ORDER

IN

CRL OP (MD) No.22884 of 2018

Date :27/12/2018

AE/PN/SAR1/07.01.2019/3P/7C