



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

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20566 of 2018

SANKAR

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SETHUBAVACHATHRAM POLICE STATION,
SETHUBAVACHATHRAM POLICE STATION,
THANJAVUR DISTRICT.

(IN CRIME NO. 127 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : GOVERNMENT ADVOCATE

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

ORDER : The Court Made the following order :-

There are totally two accused. The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 379 I.P.C r/w Section 21(1) of Mines and Minerals Act, 1957, in Crime No.127 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 09.10.2018, based on the secret information, the defacto complainant, who is the Assistant of the Village Administrative Officer conducted a raid, in which, the petitioner, who was driving the lorry carrying river sand was caught hold. When the defacto complainant tried to stop the lorry, the petitioner ran away from the spot and abused the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime. He would further submit that the petitioner is only the driver of the lorry. Hence, he prayed that anticipatory bail may be granted to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner has no previous case.



5. Considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner, with stringent conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] The petitioner shall make a non refundable deposit of Rs.15,000/- (Rupees fifteen thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the Trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks, thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI, THANJAVUR DISTRICT

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
SETHUBAVACHATHRAM POLICE STATION,
SETHUBAVACHATHRAM POLICE STATION,
THANJAVUR DISTRICT.

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

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

+1. CC to MR.K.M.KARUNAKARAN Advocate SR.No.22063

ORDER

IN

CRL OP (MD) No.20566 of 2018

Date :23/11/2018

AE/JC/SAR2/06.12.2018/3P/7C