



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21415 of 2018

ELAIYARAJA

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KALLAPERAMPUR POLICE STATION,
THANJAVUR DISTRICT.
(IN CRIME NO. 118 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.E.SATISH RAJKUMAR Advocate

For Respondent : MR.M.ASOKAN,
Government Advocate(Crl.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 Sections 379 of I.P.C., and Section 21(1) of Mines and Minerals Act, in Crime No.118 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2018 the petitioner illegally transported two unit sand in the vehicle TATA ACE bearing registration No.TN 49 AA 4451 without any valid license and permission.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case and we cannot carry 2 unit sands in the TATA ACE vehicle. He would further submit that while the petitioner has moved anticipatory bail application before the learned Principal Sessions Judge, Thanjavur in Crl. M.P. No.4618 of 2018, the respondent police replied that the half unit sand was found in the said vehicle.

4. Heard the learned Government Advocate appearing for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

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-II, Thanjavur, 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 said Magistrate, on further condition that:

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

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 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]**.

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

sd/-
05/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR, THANJAVUR DISTRICT.

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

3. THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KALLAPERAMPUR POLICE STATION,
THANJAVUR DISTRICT.



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

+1. CC to MR.E.SATISH RAJKUMAR Advocate SR.No.22869

ORDER

IN

CRL OP(MD) No.21415 of 2018

Date :05/12/2018

ksa

AE/VR MMS/SAR3/14.12.2018/3P/6C