

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

Friday, the Fourteenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8178 of 2019

P.MUTHURASU

... PETITIONER / 2nd ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.351/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.LENIN MAHARARJAN Advocate

For Respondent : MR.V.NEELAKANDAN, 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 offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.351 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has not committed any offence and he has been falsely implicated in the above case. He has further submitted that the petitioner is ready to deposit the cost of the sand. Hence, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally two accused in this case and the petitioner is second accused. The first accused was already arrested and subsequently, enlarged on bail. The petitioner being the owner of the lorry has attempted to commit theft of 4 units river sand and the vehicle used for commission of offence was seized. Hence, he opposed to grant anticipatory bail to the petitioner. However, he conceded that the petitioner has no previous case.

4. Taking into consideration the fact that the petitioner has no previous case, also the fact that the vehicle used for commission of offence was seized and the petitioner is ready to deposit the cost of the sand, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Rajapalayam 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) the petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the credit of Cr.No.351 of 2019 on the file of the Rajapalayam South Police Station, Virudhunagar District.

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

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks, and thereafter, as and when required before the respondent police 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].

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

sd/-

14/06/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

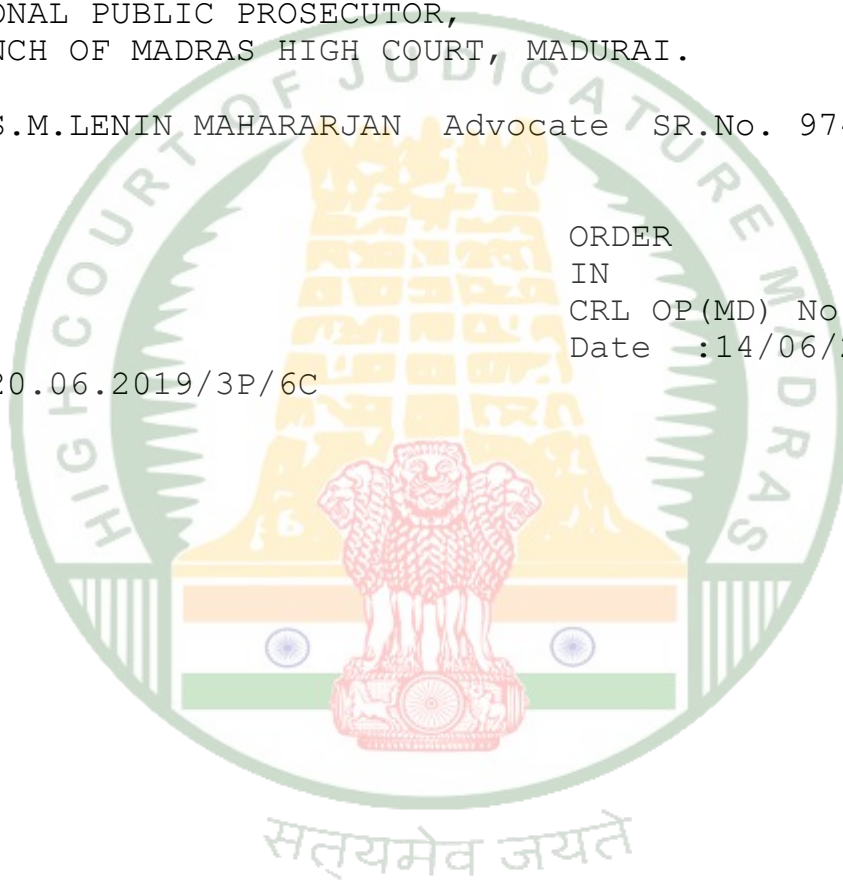
3 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.LENIN MAHARARJAN Advocate SR.No. 9740

ORDER
IN
CRL OP(MD) No.8178 of 2019
Date :14/06/2019

JM/VR/SAR 1/20.06.2019/3P/6C



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