



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1123 of 2019

1 VIJAYAKUMAR
2 PANDI SELVAM

... PETITIONERS / ACCUSED NO.2 & 3

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.340/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.SURESH KANNAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

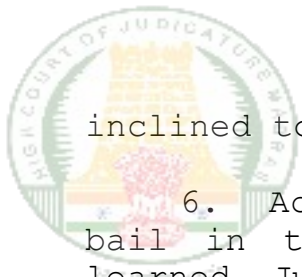
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act and Section 3(1) of TNPPDLL Act in Cr.No.340 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other had illegally transported three units of river sand.

3. The learned counsel for the petitioner would submit that the petitioners herein are A2 and A3. He would also submit that the A1 in this case had already deposited a sum of Rs.45000/- before the District Minerals and Foundation trust and he has also produced the receipt before this Court.

4. The learned Additional Public Prosecutor would submit that the first petitioner has already deposited Rs.45000/- before the District Minerals and Foundation trust

5. Taking into consideration the facts and circumstances of the case and the fact that the amount has been settled, this Court



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, before the learned Judicial Magistrate, Manamadurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners 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/-

28/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MANAMADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.C.SURESH KANNAN Advocate SR.No.1664
PS/PN/SAR-2/31.01.2019/2P/6C

ORDER

IN

CRL OP(MD) No.1123 of 2019

Date :28/01/2019