



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1167 of 2019

KADALKANI

... PETITIONER/ ACCUSED No.2

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE
KARIVALLAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.358 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.M.JOTHIBASU 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 in Cr.No.358 of 2018 seeks anticipatory bail.

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

3. The learned counsel for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court on 21.12.2018 with a direction to deposit to Rs.15000/-. He would further submit that the petitioner had deposited the amount on 11.01.2019. He would further submit that when the surrender petition was filed before the concerned Magistrate on 11.01.2019, he refused to accept the same and returned the petition stating that 15 days time is over.

4. The learned Additional Public Prosecutor would submit that the petitioner has already deposited Rs.15000/- 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 paid, 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 No.II, Sankarankovil 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 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 daily at 10.30 a.m for a period of two weeks and thereafter 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 NO II,
SANKARANKOVIL.

2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
KARIVALLAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.G.M LAW OFFICE Advocate SR.No.1594

ORDER
IN
CRL OP (MD) No.1167 of 2019
Date : 28/01/2019

TK/VR/SAR-1/06.02.2019/3P/6C