



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.1196 of 2019

1 MARIAPPAN,
2 ESAKKIPANDIAN,

... PETITIONERS / ACCUSED NO.3 & 4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME.NO.98/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.ESAKKI PANDI 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 petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC in Cr.No.98 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported half unit of sand.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD) No.14182 of 2018 dated 10.08.2018. since the petitioners did not execute sureties within the stipulated time, petition in Crl.O.P(MD) No.22410 of 2018 has been filed and this Court has granted anticipatory bail on 19.12.2018. Since they are unable to furnish sureties for the second time, the third anticipatory bail petition has been filed.

4. The learned Government Advocate (Criminal Side) would submit that this is the third anticipatory bail application.

5. Taking into consideration the facts of the case and the submissions by learned counsels, 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 their appearance, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District 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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall make a non refundable deposit of Rs.5000/- (Rupees Five 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 petitioners 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.

[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/-
28/01/2019

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THOOTHUKUDI DISTRICT.

+1. CC to MR.S.ESAKKI PANDI Advocate SR.No.1560

PS/JC/SAR-3/06.02.2019/3P/7C

ORDER

IN

CRL OP(MD) No.1196 of 2019

Date :28/01/2019