



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1523 of 2019

1 BALAMURUGAN
2 DURAIMURUGAN

... PETITIONERS / ACCUSED No. 3 & 4

Vs

STATE: THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.32/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KANNAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

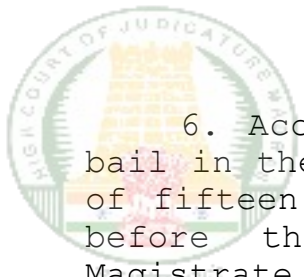
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 I.P.C., and 21(1) of Mines & Minerals (Development & Regulation) Act 1957, seek anticipatory bail.

2. The case of the prosecution is that the petitioners committed theft of 1 unit of river sand.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in possession of 1 unit of river sand.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District Munsif cum Judicial Magistrate, Ilayangudi on condition that the each of the petitioners 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] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the Credit of Crime No.32 of 2019 before the concerned Magistrate.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
31/01/2019

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE ILAYANKUDI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.V.KANNAN Advocate SR.No.2028

ORDER IN
CRL OP(MD) No.1523 of 2019
Date :31/01/2019