



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

Tuesday, the Eighth day of January Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

WEB COPY

CRL OP (MD) No.210 of 2019

MOHAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MARUR POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.58 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.JAMEEL ARASU, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

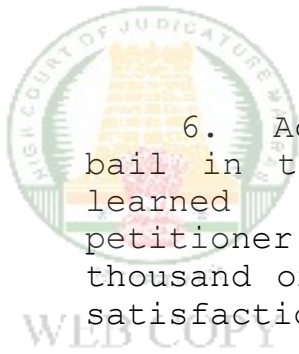
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w.Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.58 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 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.19692 of 2018 dated 01.11.2018. He would also submit that he had deposited a sum of Rs.10,000/- before the Assistant Director, District Minerals Foundation Trust, Thanjavur on 26.11.2018 and produced the receipt,the learned Magistrate has refused to accept the same. Hence the petitioner did not execute sureties within the stipulated time, this petition has been filed.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in Crl.O.P(MD) No.19692 of 2018 dated 01.11.2018.

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 his appearance, before the learned Judicial Magistrate, Thiruvaiyur on condition that the petitioner 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 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/-
08/01/2019

Note: The learned Magistrate is directed to accept the sureties produced by the petitioner.

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE
MARUR POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.458

ORDER IN
CRL OP(MD) No.210 of 2019
Date :08/01/2019