



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

Thursday, the Tenth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.304 of 2019

1. PRASANNA,
2 A. BARATH,
3 P. SUDAKAR,

... PETITIONERS / ACCUSED NOS.1,3 AND 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VELLIYANAI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.287 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SEENISULTHAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 r/w 21(1) MMDR Act in Cr.No.287 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioners alleged to have run illegal sand quarry.

3. The learned counsel appearing for the petitioners would submit that the petitioners were already granted anticipatory bail by this Court in Crl.O.P(MD)No.17194 of 2018 dated 26.09.2018. since the petitioners 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.17194 of 2018 dated 26.09.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Taking into consideration the facts of the case and the submissions by the learned counsel, 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, before the learned Judicial Magistrate No.II, Karur District, on condition that 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 conditions 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 petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/01/2019

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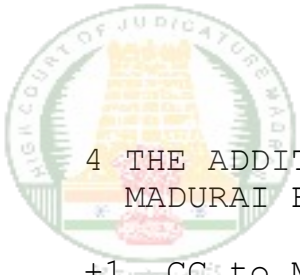
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.II,
KARUR DISTRICT.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
3. THE INSPECTOR OF POLICE,
VELLIYANAI POLICE STATION,
KARUR DISTRICT.



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

+1. CC to MR.M.SEENISULTHAN Advocate SR.No.599

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ORDER

IN

CRL OP(MD) No.304 of 2019

Date :10/01/2019

AE/JC/SAR3/22.01.2019/3P/6C