



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.36 of 2019

CHINNASAMY@ANWAR RAJA

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI.

Crime No.180/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.RAHUL 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 petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC, 4(1) (1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.180 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that on 22.12.2018, when the police was on patrol, they found that two JCB were taking red sands in a Government land without any permission. On seeing the police party, the tractors involved in sand mining have fled away with one unit of sand. The drivers of the JCB were arrested and the said vehicles were seized by the respondent police. On confession of the said drivers, the petitioner, who is the owner of the said vehicles, has been implicated in this case as an accused.

3.The learned counsel for the petitioner submits that the petitioner have been falsely implicated in certain cases by the respondent police taking advantage of earlier involvement of the petitioner in a criminal case, since the petitioner was not willing to give any bribe to the respondent police. The petitioner has sent
<https://hcservices.courtservnitia/services/> to the higher officials of the respondent stating the manner in which the petitioner was treated to meet out the demands of the respondent.



4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent State.

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 petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Peraiyur 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 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 daily at 10.30 am 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/-
04/01/2019

/ TRUE COPY /

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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION, MADURAI.

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

+1. CC to Mr.A.RAHUL Advocate SR.No.40720

ORDER
IN
CRL OP(MD) No.36 of 2019
Date :04/01/2019

TK/VR/SAR-3/18.01.2019/3P/6C