



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 03/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.6730 of 2019

1. P.Sasikumar
2. K.Rajarethinam
3. Karuppaiah
4. Ganesan

... Petitioners/Accused No.1,3 & 5,6

Vs

State Rep.By
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(Crime No.36/2019)

... Respondent/Complainant

For Petitioner : M/s.G.Sivaraja,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
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 offences punishable under sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.36 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above said case. He would also submit that even as per the First Information Report three tipper lorries were stationed in the river bed for the purpose of illegal sand mining of river sand. He would further submit that the first petitioner is the labourer and the petitioners 2 to 4 are the owners of the aforesaid tipper lorries. He would also submit that the drivers in this case were arrested and remanded to judicial custody and subsequently



released on bail by the learned Judicial Magistrate, Thirumayam, hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that only at the instructions of the petitioners 2 to 4 (owner of the tipper lorries) other accused persons attempted to commit illegal sand mining of river sand, she strongly opposed for grant of anticipatory bail. She would further submit that the drivers in this case were arrested and remanded to judicial custody and subsequently released on bail by the learned Judicial Magistrate, Thirumayam and there is no other case pending against the petitioners

5. Taking into consideration the fact that the first petitioner is the labourer and other petitioners are owners and the petitioners herein were not present in the spot and also considering the fact that co-accused in this case were released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 Judicial Magistrate, Thirumayam, Pudukottai 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.G.SIVARAJA Advocate SR.No.9138

ORDER

IN

CRL OP(MD) No.6730 of 2019

Date :03/06/2019

MS/JC/SAR-2/07.06.2019/3P.6C