

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7517 of 2019

1 ANANDARAJ
2 PANDI ALIAS CHELLAPANDI
3 MUTHURAMALINGAM ... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE THROUGH
THE SUB INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 40 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.R.LAXMAN 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 are arrayed as accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 353, 379, 430 and 506(ii) of IPC., and Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of Tamil Nadu Public Property (Prevent of Damage and Loss), in Crime No.40 of 2019, seek anticipatory bail.

2.The case of the prosecution is that on 23.05.2019, when the respondent police conducted surprise visit near Nammalvar Agriculture College, they found the petitioners have damaged the river bed and attempted to load the sand at the same time. Thus, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the stolen properties have been

recovered.

5.The submissions made by the learned counsel on either side are considered. It is alleged, during the time of occurrence, the petitioners and others damaged the river bed. As of now, the property, which was used for commission of offence was recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioners with stringent condition.

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 Judicial Magistrate, Kamuthi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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].

sd/-

29/05/2019

/ TRUE COPY /

TO

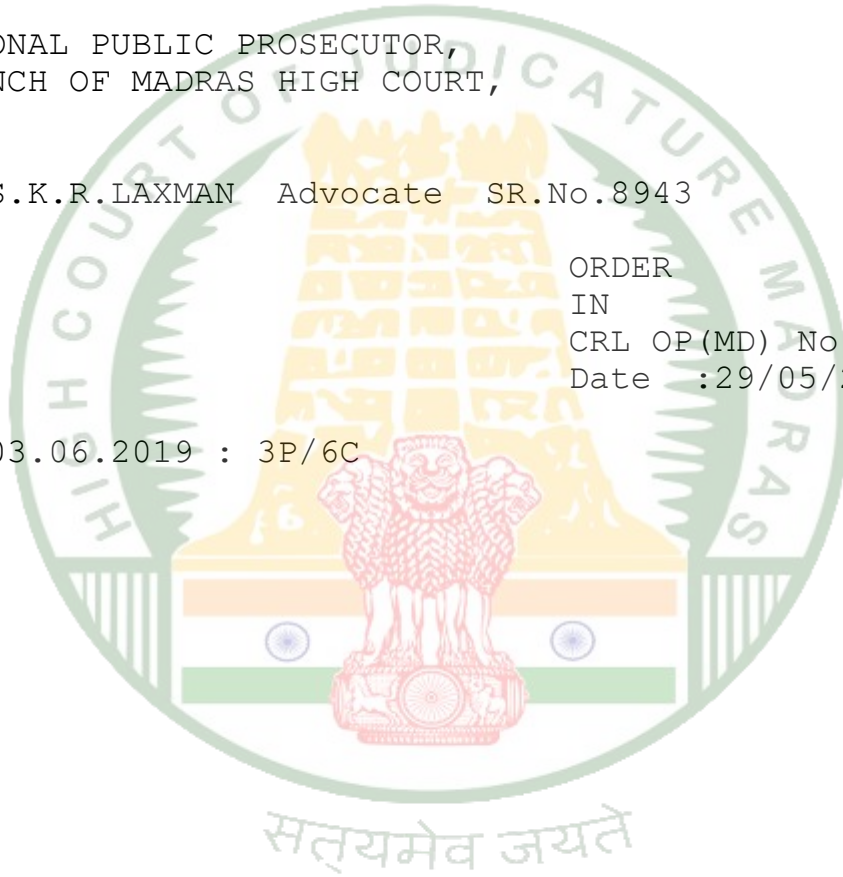
1. THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT,
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT,
3. THE SUB INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.R.LAXMAN Advocate SR.No.8943

ORDER
IN
CRL OP(MD) No.7517 of 2019
Date :29/05/2019

MRN/CP

PK/PN/SAR-1/03.06.2019 : 3P/6C



WEB COPY