



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.7546 of 2019

1.Kutti @ Chidambaram
2.Veeramani
3.Balamurugan

... Petitioners/Accused No.1 to 3

Vs

State rep.by,
The Inspector of Police,
Ammapettai Police Station,
Papanasam Taluk,
Thanjavur District.
Crime No.184/2019

... Respondent/Complainant

For Petitioner: Mr.S.Gopalamanikandan, Advocate

For Respondent: Mr.V.Neelakandan,
Additional Public Prosecutor

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

ORDER :

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.184 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that this petition is not pressed as far as the first and second petitioners are concerned. He further submitted that the third petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that as per the First Information Report, he has been only shown as a load man and no previous case pending against the third petitioner. Therefore, he prayed for grant of anticipatory bail to the third petitioner alone.



4. In view of the submissions and endorsement made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as not pressed as far as the first petitioner/A1 and the second petitioner/A2 are concerned.

5. The learned learned Additional Public Prosecutor appearing for the respondent fairly conceded that the third petitioner is only a load man and no previous case is pending against him. He further submitted that in this case the first petitioner/A1 is the owner of the Tipper Lorry bearing Registration No. TN-72-VK-2299 and the second petitioner/A2 is the brother of A1. He further submitted that in this case two units of sand involved and therefore, he strongly opposed this petition.

6. Considering the submission made by the learned Additional Public Prosecutor that the third petitioner/A3 is only a load man and no previous case is pending against him, this Court is inclined to grant anticipatory bail to the third petitioner/A3 with certain conditions.

7. Accordingly, the third petitioner/A3 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 Judicial Magistrate, Papanasam, Thanjavur, on condition that the third petitioner/A3 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 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 third petitioner/A3 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the third petitioner/A3 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 third petitioner/A3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the third petitioner/A3 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 third petitioner/A3 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.

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

TO

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

ORDER
IN
CRL OP(MD) No.7546 of 2019
Date : 03/06/2019

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PK/PN/SAR-1/07.06.2019 : 3P/5C