



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

Friday, the Seventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7603 of 2019

SARAVANAN

... PETITIONER / ACCUSED NO.6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.91/2019.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MANIKANDAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under section 379 of IPC, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. As per the First Information Report a case has been registered against eight accused persons and the petitioner herein is A6. He further submitted that already A1 to A5 were arrested, remanded to judicial custody and subsequently released on bail. He further submit that A7 and A8 were granted anticipatory bail by the Sessions Court. He would also submit that no other case is pending against the petitioner. Hence he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that in the above case two tipper lorries and one JCB were used for illegal mining of river sand. She further submitted that the petitioner herein is the owner of two lorries and he transported four units of river sand and hence she opposed for grant of anticipatory bail, however she fairly conceded that no previous case is pending against the petitioner.



5. Taking into consideration the facts and circumstances of the case and also considering the fact that A1 to A5 were already released on bail and A7 and A8 were granted anticipatory bail the Sessions Court and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

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, Nanguneri on depositing a sum of Rs.60,000/- (Rupees Sixty thousand) before the learned Judicial Magistrate, Nanguneri) on further 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 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:

[a] If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 for a period of Three Weeks and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

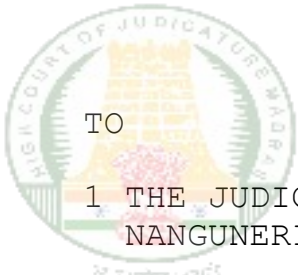
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
NAGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.MANIKANDAN, Advocate (SR-9297[I] dated 10/06/2019)

ORDER

IN

CRL OP(MD) No.7603 of 2019

Date :07/06/2019

JM/MMS/SAR 3/13.06.2019/3P/6C