



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

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7609 of 2019

K.KARTHIKEYAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.97/2019.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.BANU PRASATH Advocate

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

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

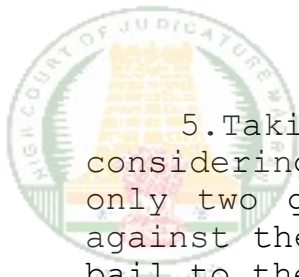
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21 (1) of Mines and Minerals (Development and Regulation) Act, 1951, in Crime No. 97 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the accused No.1 was carrying three gunny bags of sand by using the bike and the accused No.2 (Petitioner herein) was taking two gunny bags of sand illegally. She further submitted that already A1 was arrested and remanded to judicial custody and still he is in jail. However, she fairly conceded that there is no previous case pending against the



5. Taking into consideration of the aforesaid fact and considering the allegations that the petitioner herein has carried only two gunny bags of sand and also no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 Judicial Magistrate Court, No.II, Sathur, Virudhunagar District 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 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 petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the petitioner 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/-

04/06/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.P.BANU PRASATH Advocate SR.No. 9149

ORDER

IN

CRL OP (MD) No.7609 of 2019

Date :04/06/2019

JM/VR/SAR 1/07.06.2019/3P/6C