



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

Thursday, the Sixth day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7651 of 2019

1 MUTHUKUMAR

2 KANNAN

... PETITIONER / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ILAIYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.155/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.BALAMURUGANANTHAM Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

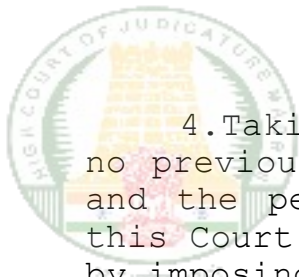
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of TamilNadu Public property (Prevention of Damage and Loss) Act, 1992, in Crime No.155 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have not committed any offence and they have been falsely implicated in the above case. He has further submitted that the petitioners are ready to deposit the cost of the damage. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally seven accused in this case. The petitioners have attempted to commit sand theft. On seeing the Police, the petitioners ran away from the scene of occurrence and vehicles used were seized. Hence, he opposed to grant anticipatory bail to the petitioners. However, he conceded that the petitioners have no previous case and the total value of the damage caused to the kanmoi is Rs.50,000/-.



4. Taking into consideration the fact that the petitioners have no previous case, also the fact that the vehicles used were seized and the petitioners are ready to deposit the cost of the damage, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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5. 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, Ilaiyangudi, Sivagangai District on condition that each of 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) each the petitioners shall deposit a sum of Rs.7,150/- (Rupees seven thousand one hundred and fifty only) to the credit of Cr.No.155 of 2019 on the file of the Ilaiyangudi Police Station, Sivagangai District.

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

(iii) 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.

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

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

(vi) 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].

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

sd/-

06/06/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ILAIYANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
ILAIYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-9184[I] dated
06/06/2019)

ORDER

IN

CRL OP(MD) No.7651 of 2019

Date :06/06/2019

JM/VR/SAR 3/11.06.2019/3P/6C