



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7697 of 2019

1. Murugan
2. Sundhar

... Petitioners/Accused No.3 & 4

Vs

The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
Cr.No.176/2019).

... Respondent/Complainant

For Petitioners: M/s.T.A.Ebenezer,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

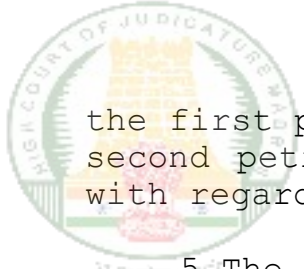
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No. 176 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that even as per the FIR, the petitioners have transported one unit of sand illegally through tipper lorry. The petitioners not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners have transported one unit of sand without any valid permission. However, she fairly conceded that no similar type of case is pending against



the first petitioner and four previous cases are pending against the second petitioner and therefore, she strongly opposed the petition with regard to the second petitioner.

5. The learned counsel for the petitioners has submitted that he is not pressing the petition with regard to the second petitioner/A-4 and accordingly, he has also made an endorsement to that effect.

6. Taking into consideration of the aforesaid facts and also the fact that the second petitioner/A4 is having four previous cases and the learned counsel for the petitioners is also not pressing the petition against the second petitioner/A4, this Court is inclined to grant anticipatory bail to the first petitioner/A3 with certain conditions.

7. Accordingly, the first 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, Nanguneri on condition that the first petitioner/A3 shall deposit a sum of Rs.7500/- before the Judicial Magistrate, Nanguneri, without prejudice to his defence before the trial Court and 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/A3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the 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 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.

<https://hcservices.ecourts.gov.in/hcservices/>



8. Petition against the second petitioner /A4 is dismissed as not pressed.

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sd/-
06/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

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

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

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.9230

ORDER
IN
CRL OP(MD) No.7697 of 2019
Date :06/06/2019

DSS
PK/JC/SAR-2/11.06.2019 : 3P/6C