



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7839 of 2019

1. Chandramohan @ Mohan
2. Aravindraaj

... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
Mayanoor Police Station,
Karur District
(Cr.No.104/2019)

... Respondent/Complainant

For Petitioners : M/s.V.Karuna,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.104/2019 on the file of the respondent police.

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 21(1) of Mines and Minerals (Development and Regulations) Act 1957 r/w Section 379 IPC in Crime No.104 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 six units of sand illegally. The petitioners are not having any bad antecedent and hence, he prayed

for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have transported six units of sand without any valid permission. He further submitted that A1 arrested and still in custody. Hence, he opposed this petition. However, he fairly conceded that the first petitioner has two previous cases and second petitioner has one previous case and no similar type of case is pending against the petitioners.

5.Taking into consideration of the fact that no similar type of case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 No.II, Kulithalai, Karur District, on condition that 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 of the petitioners shall deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) to the credit of Crime No.104 of 2019 before the learned Judicial Magistrate No.II, Kulithalai, Karur District, without prejudice his defence before the trial Court;

(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 petitioner 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 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].



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

sd/-
10/06/2019

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

TO

- 1.The Judicial Magistrate No.II,
Kulithalai, Karur District.
 - 2.Do-Through The Chief Judicial Magistrate,
Karur District.
 - 3.The Inspector of Police,
Mayanoor Police Station,
Karur District
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.V.KARUNA, Advocate (SR-9326[I] dated 10/06/2019)

ORDER
IN
CRL OP(MD) No.7839 of 2019

vsg
TK/VR/SAR.4/17.06.2019/3P/6C