

BEFORE THE MADURAI BENCH OF MADRAAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . NO.7941 OF 2019

1.Mamundi @ Sathis,
2.Senthil Kumar

.... Petitioners/Accused No.1& 2

vs.

State rep.by:
The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
(Crime No.158 of 2019)

.... Respondent/Complainant

For Petitioner : Mr.Arunraj,
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.158 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who are apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w 21(1) Mines and Minerals (Development and Regulation) Act, 1957.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in the above said case.

4. Per contra, the learned Additional Public Prosecutor has submitted that the petitioners herein along with other accused persons had illegally transported 1 ½ unit of sand. He has further submitted that the petitioners are involved in the illegal sand transport without valid permission and there is no previous case pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the nature of allegations levelled 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, Musiri, 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) the petitioners shall deposit a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred Only) to the credit of Crime No.158 of 2019, before the learned Judicial Magistrate, Musiri, without prejudice their 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 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

(v) the petitioners shall not tamper with evidence or witness 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 229A IPC.

sd/-

11/06/2019

/ TRUE COPY /

TO

1.THE JUDICIAL MAGISTRATE, MUSIRI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3.THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, MUSIRI,
TRICHY DISTRICT

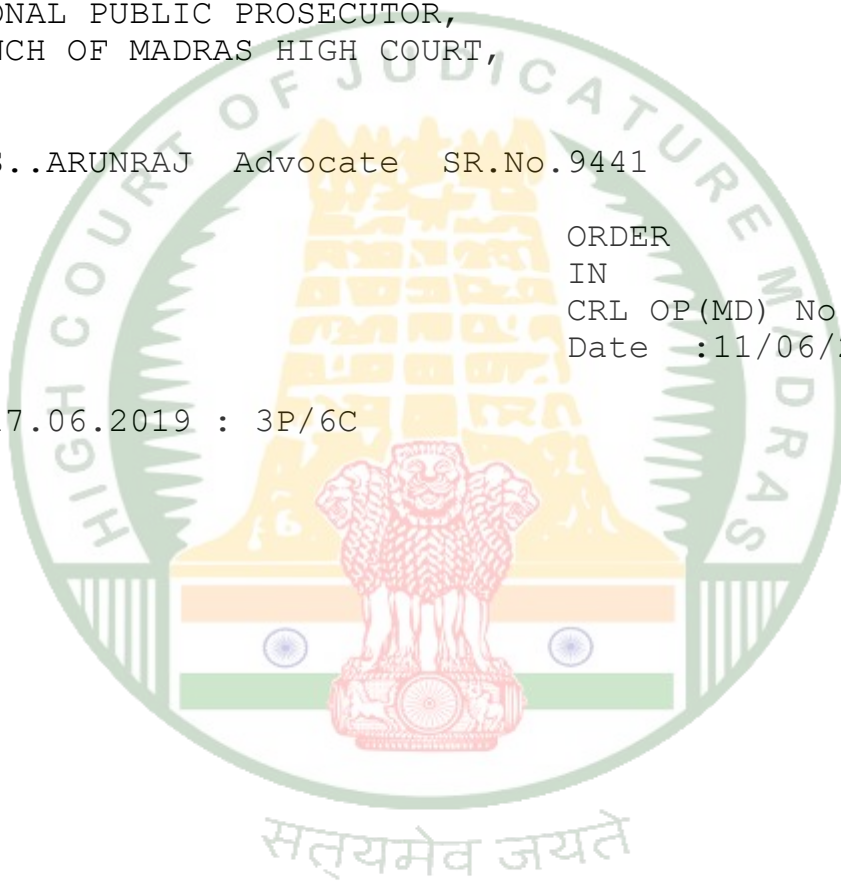
4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S..ARUNRAJ Advocate SR.No.9441

ORDER
IN
CRL OP(MD) No.7941 of 2019
Date :11/06/2019

DAS

PK/JC/SAR-3/17.06.2019 : 3P/6C



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