



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7944 of 2019

S.Sathaiah

... Petitioner/2nd Accused

Vs

State Rep.by
The Sub Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Crime No.229 of 2019

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate.
For Respondent : Mr.V.Neelakandan,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For anticipatory bail in cr.no.229 of 2019 on the file of the respondent police.

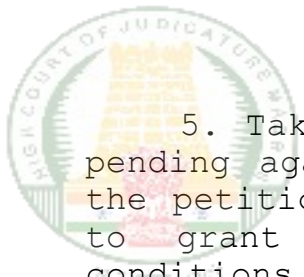
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w 21(1), 21(2) of the Mines and Minerals (Development and Regulation) Act.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in the above said case.

4.Per contra, the learned Additional Public Prosecutor has submitted that the petitioner herein along with other accused persons had illegally transported one unit of sand. He has further submitted that the petitioner is the owner of the vehicle and there is no previous case pending against the petitioner.



5. Taking into consideration the fact that no previous case is pending against the petitioner and also considering the fact that the petitioner is the owner of the vehicle, 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, Aranthangi, 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) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No.229 of 2019, before the learned Judicial Magistrate, Aranthangi, without prejudice his defence before the trial court.

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

(iii) the petitioner 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 petitioner shall not abscond either during investigation or trial.

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

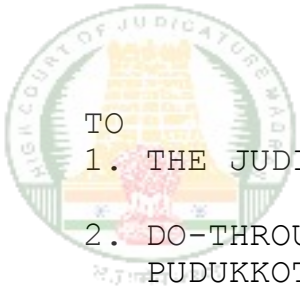
(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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, ARANTHANGI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.9521

ORDER

IN

CRL OP (MD) No.7944 of 2019

Date :11/06/2019

MS/VR/SAR-2/13.06.2019/3P.6C